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# ***Illinois Register***

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**Rules of Governmental Agencies**

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Dec. 16, 1992	Dec. 23, 1992	1	(Mon.) Jan. 4, 1993	June 22, 1993	June 29, 1993	28	July 9, 1993
Dec. 23, 1992	Dec. 30, 1992	2	Jan. 8, 1993	June 29, 1993	July 6, 1993	29	July 16, 1993
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June 15, 1993	June 22, 1993	27	July 2, 1993	Dec. 21, 1993	Dec. 28, 1993	2	Jan. 7, 1994

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



Section Numbers	Proposed Action	Ill. Reg. Citation
310. Appendix A, Table M	Amended	16 Ill. Reg. 13179 (August 28, 1992)
310.110	Amended	16 Ill. Reg. 13679 (September 11, 1992)
310.130	Amended	16 Ill. Reg. 13679 (September 11, 1992)
310. Appendix B	Amended	16 Ill. Reg. 13679 (September 11, 1992)
310.290	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.450	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.455	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.470	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.530	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.540	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. Appendix C	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. Appendix D	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.30	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310.40	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310.230	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310.270	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table C	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table D	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table E	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table F	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table O	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table P	Amended	16 Ill. Reg. 18139 (December 4, 1992)

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Proposed Action:  
310.290 Amended  
310. Appendix C Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1989 1991, ch. 127, par. 63b108a(2)
- 5) A Complete Description of the Subjects and Issues Involved:  
In Section 310.290, Out-of-State or Foreign Service Rate, the multi-state description under the titles of this section is being revised to read "States other than California and New Jersey", in order to allow additional positions to be established in other states than those currently listed.  
Also, those titles used out-of-state that are in alignment with the Schedule of Salary Grades and collective bargaining are being increased as of January 1, 1993, to maintain the same differential above the appropriate in-state salary grade for that title as of January 1, 1993.  
In Section 310. Appendix C, the titles of the Medical Facilities Administrators and the Physician Administrators have been abolished and are being replaced with the titles of Medical Administrators I through V. The salary schedule for the Medical Administrators is illustrated in the text.
- 6) Will this proposed rule replace an emergency rule currently in effect?  
No.
- 7) Does this rulemaking contain an automatic repeal date? Yes X No  
If "yes", please specify date:
- 8) Do these proposed amendments contain any incorporations by reference?  
No.
- 9) Are there any proposed amendments pending to this part? Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

310. Appendix A, Table U Amended 16 Ill. Reg. 18139  
(December 4, 1992)

10) Statement of Statewide Objectives:

These amendments to the Pay Plan pertain only to State employees sub-  
ject to the Personnel Code and do not set out any guidelines that are  
to be followed by local or other jurisdictional bodies within the  
State.

11) Time, Place, and Manner in which interested persons may comment on  
this proposed rulemaking:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
Telephone: (217) 782-5601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the  
Department of Commerce and Community Affairs:

The Department of Central Management Services' Pay Plan does not  
affect private businesses. Amendments made to the Pay Plan are  
not subject to any guidelines or regulations of the Department of  
Commerce and Community Affairs.

B) Types of small businesses affected:

None. The Department of Central Management Services' Pay Plan  
extends only to Personnel Code employees under the jurisdiction  
of the Governor.

C) Reporting, bookkeeping & other procedures required for compliance:

None.

D) Types of professional skills necessary for compliance:

None.

The full text of the proposed amendment(s) begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

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effective July 1, 1984 (Repealed)

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Designated Rate  
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Educator Schedule for RC-063 and HR-010  
Physician Specialist Rate  
Annual Compensation Ranges for Executive Director and  
Assistant Executive Director, State Board of Elections  
Excluded Classes Rate (Repealed)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART C: MERIT COMPENSATION SYSTEM

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310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
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APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
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TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q	RC-033 (Meat Inspectors, ISEA)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
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APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (111. Rev. Stat. 1989 1991, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at B 111. Reg. 1558; emergency amendment at B 111. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 111. Reg. 2440, effective February 15, 1984; emergency amendment at B 111. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at B 111. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 111. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 111. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 111. Reg. 11299, effective June 25, 1984; emergency amendment at B 111. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at B 111. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at B 111. Reg. 15367, effective August 13, 1984; emergency amendment at 8 111. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 111. Reg. 21544, effective October 24, 1984; amended at 8 111. Reg. 22844, effective November 14, 1984; emergency amendment at 9 111. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 111. Reg. 1320, effective January 23, 1985; amended at 9 111. Reg. 3681, effective March 12, 1985; emergency amendment at 9 111. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 111. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 111. Reg. 9420, effective June 7, 1985; amended at 9 111. Reg. 10663, effective July 1, 1985; emergency amendment at 9 111. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 111. Reg. 3325, effective January 22, 1986; amended at 10 111. Reg. 3230, effective January 24, 1986; emergency amendment at 10 111. Reg. B904, effective May 13, 1986, for a maximum of



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

150 days; peremptory amendment at 10 Ill. Reg. 9928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_; amended at 17 Ill. Reg. amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title	Range Effective Fiscal Year 1993
Foreign Service Economic Development Executive I	2739 - 4743
Foreign Service Economic Development Executive II	3552 - 6238
Foreign Service Economic Development Representative	2359 - 3945
Office Administrator IV <del>GO--GA--IN--IA--KY--MI--MO--NE--NC--OH--</del> <del>IN--IX--and-WI--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	1895 - 2969
Office Assistant (Foreign Service)	2142 - 3357
	1605---1983 1638 - 2022
Office Associate <del>GO--GA--IN--IA--KY--MI--MO--NE--NC--OH--</del> <del>IN--IX--and-WI--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	1717---2154 1751 - 2197 1941 - 2435
Office Coordinator <del>GO--GA--IN--IA--KY--MI--MO--NE--NC--OH--</del> <del>IN--IX--and-WI--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	1783---2246 1818 - 2291 2015 - 2539
Revenue Audit Supervisor <del>GOH--IX--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	3117 - 5497 3523 - 6214

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Revenue Auditor I <del>GO--GA--IN--IA--KY--MI--MO--NE--NC--OH--</del> <del>IN--IX--and-WI--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	2429---3176 2477 - 3240 2746 - 3591
Revenue Auditor II <del>GO--GA--IN--IA--KY--MI--MO--NE--NC--OH--</del> <del>IN--IX--and-WI--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	2685---3533 2739 - 3603 3036 - 3994
Revenue Auditor III <del>GO--GA--IN--IA--KY--MI--MO--NE--NC--OH--</del> <del>IN--IX--and-WI--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	2991---3971 3051 - 4050 3381 - 4489
Revenue Auditor Trainee <del>GO--GA--IN--IA--KY--MI--MO--NE--NC--OH--</del> <del>IN--IX--and-WI--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	2024---2590 1818 - 2291 2288 - 2928
Revenue Assistant Audit Field Manager <del>GOH--IX--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	3309 - 5881 3741 - 6648
Revenue Field Audit Manager (NJ)	3993 - 7112
Tax Examiner <del>GO--GA--IN--IA--KY--MI--MO--NE--NC--OH--</del> <del>IN--IX--and-WI--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	1783---2246 1818 - 2291 2015 - 2539
Tax Examiner Trainee <del>GO--GA--IN--IA--KY--MI--MO--NE--NC--OH--</del> <del>IN--IX--and-WI--</del> <u>(States Other Than California</u> <del>and New Jersey)</del> (CA, NJ)	1605---1983 1638 - 2022 1815 - 2241

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Section 310. Appendix C - Physician-Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1992 1993

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Facilities Administrator I Option C	6,204	7,458	8,712
	74,448	89,496	104,544
Medical Facilities Administrator I Option D	6,928	8,214	9,500
	83,136	98,568	114,000
Medical Facilities Administrator II Option C	6,704	7,978	9,252
	80,448	95,736	111,024
Medical Facilities Administrator II Option D	7,699	9,023	10,347
	92,388	108,276	124,164
Medical Facilities Administrator III	7,971	9,426	10,881
	95,652	113,112	130,572
Medical Facilities Administrator IV	8,101	9,555	11,009
	97,212	114,660	132,108
Medical Facilities Administrator V	8,231	9,685	11,139
	98,772	116,220	133,668
Physician-Administrator I	4,899	6,042	7,125
	58,788	72,144	85,500
Physician-Administrator II	5,030	6,172	7,314
	60,360	74,064	87,768
Physician-Administrator III	5,166	6,339	7,512
	61,992	76,068	90,144
Physician-Administrator IV	5,434	6,574	7,714
	65,208	78,888	92,568
Physician-Administrator V	5,771	6,793	7,815
	69,252	81,516	93,780

The rates of pay for physicians occupying or appointed to a position in the Physician-Administrator classes and the Medical Facilities Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to Physician-Administrator positions and the Medical Facilities Administrator positions.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pole Attachment Rates, Terms and Conditions Applicable to Cable Television Companies and Electric and Telephone Public Utilities
- 2) Code Citation: 83 Ill. Adm. Code 315
- 3) Section Numbers: Proposed Action:  
 315.10 Amendment  
 315.20 Amendment  
 315.30 Amendment  
 315.40 New Section  
 315.50 New Section  
 315.60 New Section
- 4) Statutory Authority: Implementing Section 7-102 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 7-102 and 10-101).
- 5) A Complete Description of the Subjects and Issues Involved:  
 This rulemaking is designed to amend Part 315, which has never been enforced after its appeal to the courts. On appeal, the court declared that the rules were null and void because the Commission failed to comply with the Illinois Administrative Procedure Act by failing to afford the opportunity for comment when the Commission lowered the pole attachment formula's judgmental factor from .75 to .333. These proposed amendments eliminate the judgmental factor entirely.
- 6) Will these proposed amendments replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date: No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

- 12) Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 28, 1992

B) Types of small businesses affected: This amendment will affect those cable companies and those regulated utilities and telephone companies that are also small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping

D) Types of professional skills necessary for compliance: Managerial and accounting

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 315

POLE ATTACHMENT RATES, TERMS AND CONDITIONS APPLICABLE TO CABLE TELEVISION COMPANIES, AND ELECTRIC AND TELEPHONE-PUBLIC UTILITIES AND TELECOMMUNICATIONS CARRIERS

Section

315.10 Statement of Purpose and Commission Policy  
315.20 Preferred Presumptive Pole Attachment Rental Rate Formula  
315.30 Procedure  
315.40 Pole Inspections  
315.50 Make-Ready Work  
315.60 Indemnification

AUTHORITY: Implementing Section 7-102 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 7-102 and 10-101).

SOURCE: Adopted at 9 Ill. Reg. 2471, effective Feb. 13, 1985; amended at Ill. Reg. , effective .

Section 315.10 Statement of Purpose and Commission Policy

- a) The purpose of this ~~rule~~ Part is to designate a preferred presumptive methodology for computation of annual rental rates to be paid by cable television ("CATV") companies to electric utilities and telephone-public-utilities local exchange telecommunications carriers (collectively "regulated entities") under the jurisdiction of the Illinois Commerce Commission ("Commission") for the use of space on ~~such~~ utilities distribution poles for attachment of CATV cables and associated facilities.

- b) It is the policy of the ~~Illinois~~ Illinois Commerce Commission that CATV companies and ~~public-utilities~~ regulated entities should, to the maximum extent possible, endeavor to establish pole attachment rental rates through negotiation and without resort to the processes of the Commission. The preferred presumptive pole attachment rental rate formula is designated herein in order to provide guidance to all parties in such negotiations and to set forth the methodology the Commission intends to follow in exercising its authority under Section 27 7-102 of "An Act concerning public-utilities" the Public Utilities Act



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

("Act") (Ill. Rev. Stat. ~~1993~~ 1991, ch. 111-2/3, par. 27 7-102) with respect to such controverted cases as are brought before it.

(Source: Amended at Ill. Reg. , effective )  
Section 315.20 Preferred Presumptive Pole Attachment Rental Rate Formula

Subject to the provisions of Section 315.30 below, an annual pole attachment rental rate included in a pole attachment agreement between a CATV company and a public-utility regulated entity which is presented to the Commission for consent and approval under Section 27 7-102 of "An Act concerning public utilities" (Ill. Rev. Stat., ~~1983~~, ch. 111-2/3, par. 27) the Act shall be presumed to be just and reasonable if shown to be equal to the rate resulting from the following formula:

$$\text{Rental Rate} = .333 \text{ (Cost per pole)} \times (\text{CATV Space}) \times (\text{Carrying Charge})$$

(Total Usable Space)

Where:

a) "Cost per Pole" shall be the utility's regulated entity's book investment in 35-foot-wooden all bare distribution poles included in the electric utility Account 364 or telephone-utility telecommunications carrier Account 241 2411 at the most recent December 31, divided by the equivalent number of 35-foot-wooden distribution poles included in the account at such date. If the book investment for "bare" poles is not ascertainable, then a deduction of 30% shall be made to reflect appurtenances (i.e., crossarms) not used by CATV. This 30% deduction from pole investment may be rebutted by a statistically reliable survey to the contrary.

b) "CATV Space" shall be 1.5 feet, representing an allocation to the CATV company of 1 foot of the useful space for the CATV attachments and 6 inches of the neutral space on a joint use pole used by electric utilities and communication-utilities telecommunications carriers.

c) "Total Usable Space" shall be 10 14 feet of a standard-35 feet-distribution pole in accordance with surveys submitted by both CATV and the regulated entities. This 14-foot presumption for usable space may be rebutted by a statistically reliable survey to the contrary.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

d) "Carrying Charge" shall include the sum of the following components determined in the following manner:

1) "Maintenance costs carrying charge" shall be the maintenance expense attributed to the maintenance of the poles and ~~other~~ associated equipment set forth in the respective electric utility Account ~~364 593~~ or telephone-utility telecommunications carrier Account 241 6411 as recorded in the books of accounts for the most recently completed calendar year divided by the respective cost of plant recorded in such plant account for the most recently completed calendar year.

2) "Administrative and general costs carrying charge" shall be calculated as the sum of the expenses recorded in the electric utility Accounts 920, 921, 923, 924, 925, 926, 927, and 928 (subtracting the credit in Account 922), 929, 930, 931 and 935 through 932 or telephone-utility telecommunications carrier Accounts 6110 through 6124, 6510 through 6565 (excluding depreciation account 6560 through 6566), 6610 through 6623 and 6710 through 6790, 664 667 for the most recent completed calendar year, divided by the investment in electric utility or telephone-utility telecommunications carrier plant in-service (including amounts unclassified and allocated common plant, if any) at the most recently completed calendar year.

3) "Depreciation expense carrying charge" shall be the annual depreciation rate applied to electric utility Account 364 or ~~telephone-utility telecommunications carrier Account 241 2411~~, expressed as a decimal, for the most recently completed calendar year.

4) "Taxes other than income taxes carrying charge" shall be calculated using a methodology which reasonably develops the expense for such taxes of ~~invested capital tax and real estate tax for the most recently completed calendar year for which figures are available attributable to the ownership of the facilities recorded in electric utility Account 364 or telecommunications carrier Account 241 2411~~, divided by the book cost of such plant. Taxes do not include any estimated or anticipated taxes but only those which have accrued.



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- 5) "Return and income taxes carrying charge" shall be determined by the utility regulated entity by considering the rates of return currently being permitted on depreciated original cost rate bases as allowed by the Commission in the respective utility's most recent rate case. With said rate of return so determined, the return and income tax carrying charge shall be computed as follows:

$$\text{RIT} = \frac{r}{1.0 - f - s + fs} \times \frac{\text{DOC}}{\text{OC}}$$

Where:

- A) "RIT" is the return and income tax carrying charge;
- B) "r" is the rate of return expressed as a decimal;
- C) "f" is the effective federal income tax rate as incurred charged by the utility regulated entity in the most recently completed calendar year expressed as a decimal;
- D) "s" is the effective state income tax rate as incurred charged by the utility regulated entity in the most recently completed calendar year, expressed as a decimal;
- E) "DOC" is the depreciated original cost of the pole account as of the end of the most recent calendar year;
- F) "OC" is the original cost of the pole account, as of the end of the most recent calendar year.

- e) The electric accounts mentioned in this Section are those required to be maintained by 83 Ill. Adm. Code 415. The telephone telecommunications accounts mentioned in this Section are those required to be maintained by 83 Ill. Adm. Code 710.

(Source: Amended at Ill. Reg. , effective )

## ILLINOIS COMMERCE COMMISSION

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## Section 315.20 Procedure

- a) Where a pole attachment agreement is not exempt pursuant to 83 Ill. Adm. Code 105 and 710 (formerly the Commission's General Orders 175 and 199), so that consent and approval of the Commission is required by Section 27 of "An Act concerning public utilities" (Ill. Rev. Stat. 1983, ch. 111-2/3, par. 27), and where the parties thereto have agreed to the annual rental rate specified in such agreement, the utility's petition for consent to and approval of the agreement shall be accompanied by verified statements of concurrence as to the rate, signed by a representative of each party. In such cases, no showing shall be required that the rental rate is equal to the rate resulting from the formula set forth in Section 315.20 hereof.
- b) Where a pole attachment agreement is not exempt pursuant to 83 Ill. Adm. Code 105 and 710 (formerly the Commission's General Orders 175 and 199), so that consent and approval of the Commission is required by Section 27 of "An Act concerning public utilities" (Ill. Rev. Stat. 1983, ch. 111-2/3, par. 27), and where the parties thereto have not agreed to an annual rental rate, the utility's petition for consent to and approval of the agreement shall be accompanied by an exhibit or exhibits showing that the rental rate proposed by the utility is equal to the rate resulting from the formula set forth in Section 315.20 hereof, or if there is a deviation from the formula, a statement explaining any deviations therefrom. Commission decisions under this part shall be governed by the following standard: Costs will be assessed on a fully allocated basis so that neither the utility nor the public utility subsidizes the operations of the other. In determining whether to approve deviations from the formula set forth in Section 315.20, the Commission shall first consider the benefits to be derived by each party to the agreement, and then determine whether charges have been apportioned in accordance with those benefits.
- e) Where a pole attachment agreement provides that the annual rental rate shall be adjusted each year based on the most recent data applied in accordance with the formula set forth in Section 315.20 hereof, the consent and approval of the Commission to the rental rate resulting from such annual adjustment shall be required.

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a) Where consent and approval of the Commission to a pole attachment or conduit agreement is required by Section 7-102 of the Act and the parties thereto have agreed to the annual rate specified in such agreement, the regulated entity's petition for consent to and approval of the agreement shall be accompanied by verified statements of concurrence as to the rate, signed by a representative of each party. such concurrence will be sufficient proof that the rate provided therein is just and reasonable.

b) Where consent and approval of the Commission to a pole attachment agreement is required by Section 7-102 of the Act and the parties thereto have not agreed to an annual pole attachment rental rate, the regulated entity's petition for consent to and approval of the agreement shall be accompanied by an exhibit or exhibits showing that the rate proposed by the utility is equal to the rate resulting from the formula set forth in Section 315.20 or if there is a deviation from the formula, a statement explaining any deviations therefrom. No such exhibit need be filed if a concurrence such as that described above is filed. A rate equal to the rate resulting from the formula set forth in Section 315.20 shall be presumed just and reasonable. The burden of proving such a rate unjust or unreasonable shall be on the party objecting to such rate.

(Source: Amended at Ill. Reg. , effective )

Section 315.40 Pole Inspections

After the "post-construction" inspection, further inspection of CATV pole plant, at CATV's cost, is prohibited except where the regulated entity submits to the CATV operator a statistically reliable survey evidencing the fact that the CATV operator has failed to report more than 5% of his attachments or is in non-compliance on 5% or more of the poles to which it is attached. The CATV operator shall be allowed 30 days to rebut said survey. If the surveys are in conflict, the Commission shall decide any dispute on petition of either party. Thereafter, if a survey is conducted, the CATV operator shall be required to pay the cost of same if the survey is borne out (more than 5% failure to report rate is shown or more than 5% non-compliance is found), provided that any non-compliance is not caused by the regulated entity.

(Source: Added at Ill. Reg. , effective )

## ILLINOIS COMMERCE COMMISSION

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Section 315.50 Make-Ready Work

Detailed itemization for make-ready work shall be provided to each CATV operator with each billing for make-ready work. This itemization shall be provided for each pole. At a minimum, this itemization shall include:

a) dates of work;

b) location of work;

c) labor cost per hour and persons employed; and

d) materials used and cost of materials.

(Source: Added at Ill. Reg. , effective )

Section 315.60 Indemnification

CATV operators cannot be required in any pole attachment agreements to indemnify the electric utilities or telecommunications carriers from the negligence of electric utilities or telecommunications carriers.

(Source: Added at Ill. Reg. , effective )

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Employment

2) Code Citation: 56 Ill. Adm. Code 2732

3) Section Number: Proposed Action:  
2732.225 New Section  
2732.227 New Section

4) Statutory Authority: Ill. Rev. Stat., 1991, ch. 48, par. 335, as amended by P.A. 87-1178, effective September 22, 1992.

5) A Complete Description of the Subjects and Issues Involved:  
One new Section of these proposed amendments provides the standards used by the agency in its interpretation of whether freelance editorial or photographic work for a newspaper constitutes an exemption from the definition of employment. The other new Section of these proposed amendments provides the standards used by the agency in its interpretation of whether the delivery or distribution of newspapers to the ultimate consumer constitutes an exemption from the definition of employment.

6) Will the proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objective? Not Applicable.

11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Gregory J. Ramel, Acting Commissioner  
Illinois Department of Employment Security  
401 South State Street - 2nd Floor South  
Chicago, IL 60605  
312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: December 22, 1992

Types of small businesses affected: Newspapers and newspaper distribution companies.

Reporting, bookkeeping or other procedures required for compliance: None - this amendment only sets forth the agency's standards for determining employment.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begin on the next page:



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2732  
EMPLOYMENT

## SUBPART A: COVERAGE

Section  
2732.125 Requirement That "Four Or More" Employees Of A Nonprofit Organization Perform Services Within This State

## SUBPART B: SERVICES IN EMPLOYMENT

Section  
2732.200 Section 212 Of The Act - Services In Employment  
2732.203 The Effect Of Regulation By A Governmental Entity On "Direction Or Control" Under Section 212 Of The Act  
2732.210 Mandatory Jury Service  
2732.220 Exemption From The Definition Of Employment For Direct Sellers Of Consumer Goods  
2732.225 Exemption From The Definition Of Employment For Freelance Editorial Or Photographic Work  
2732.227 Exemption For The Delivery Or Distribution Of Newspaper Or Shopping News To The Ultimate Consumer

## SUBPART C: DETERMINING THE EMPLOYER

2732.305 Employee Service Companies  
  
AUTHORITY: Implementing and authorized by Sections 205, 206, 212, 225, 1700, and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, pars. 315, 316, 322, 335, 610 and 611), as amended by P.A. 87-1178, effective September 22, 1992.  
  
SOURCE: Adopted at 13 Ill. Reg. 8864, effective May 30, 1989; amended at 14 Ill. Reg. 673, effective January 2, 1990; amended at 15 Ill. Reg. 11423, effective July 30, 1991; amended at 16 Ill. Reg. 8173, effective May 18, 1992; amended at 16 Ill. Reg. 12159, effective July 20, 1992; amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT(S)

Section 2732.225 Exemption From The Definition Of Employment For Freelance Editorial Or Photographic Work

- a) For the purpose of applying Section 225(B) of the Act (Ill. Rev. Stat. 1991, ch. 48, par. 335(B), as amended by P.A. 87-1178, effective September 22, 1992), the following terms have the meanings set forth below.
- 1) "Freelance" means that an individual has a right to make his services available to the general public on an ongoing basis as distinguished from being required to perform services exclusively for one individual or entity.

Example: Newspaper A needs a photographer to provide pictures of a presidential visit to the State Fair. The newspaper contracts with a Springfield photographer who regularly contracts with Newspaper A and other newspapers for specific assignments. This photographer is providing freelance services to this newspaper.

Example: Newspaper A contacts a former tennis-pro turned sports writer to cover the U.S. Open tennis tournament. The assignment is for a three week period. Newspaper A allows the sports writer to take on assignments from other sources provided they do not interfere with his coverage of the Open. This writer is providing freelance services to this newspaper.

- 2) "Editorial" means work pertaining to the literary or artistic activities or contents of a newspaper as distinguished from the newspaper's business and advertising activities.

Example: Professor A is a world authority on economic theory C. Newspaper B hires professor A to write a column which explains why the President must adopt economic theory C as part of his reelection strategy. Professor A is performing editorial work for the newspaper.



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT(S)

Example: Newspaper A wishes to print a story about a local fair. It hires a resident of the local area to write a column about the fair. The writer of this story is performing editorial work for the newspaper.

Example: Newspaper A is considering raising its advertising rates. Therefore, it hires a consultant to examine all local media advertising rates and recommend a course of action. This consultant is not performing editorial services for the newspaper.

b) The application of section 225(B) is limited to services performed for a newspaper. Freelance editorial or photographic services performed for a magazine do not fall within this exception.

c) Section 225(B) of the Act shall apply only to services performed on or after September 22, 1992.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2732.227

Exemption For The Delivery Or Distribution Of  
Newspaper Or Shopping News To The Ultimate  
Consumer

a) For the purpose of applying Section 225(C) of the Act (Ill. Rev. Stat. 1991, ch. 48, par. 335(C), as amended by P.A. 87-1178, effective September 22, 1992):

- 1) The "substantially all the remuneration" requirement is satisfied if at least 75 per cent of the total remuneration received by the individual for the calendar quarter from the employing unit claiming the exemption is directly related to sales, "per piece" fees or other output rather than to the number of hours worked. A "base fee" or other payment provided as a reasonable reimbursement for mileage and other expenses will not be included in calculating whether the requirement is met.

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT(S)

Example: An individual's compensation consists of \$.05 for each newspaper that he delivers and a base fee of \$50.00 per week. The individual's weekly mileage expense is approximately \$25.00 and his other expenses total approximately \$10.00. The base fee is a reasonable reimbursement for mileage and other expenses. Therefore, since the base fee is not considered, regardless of the number of newspapers delivered, 100 per cent, therefore, "substantially all" of the individual's remuneration is directly related to output.

Example: An individual's compensation consists of \$.05 for each newspaper that he delivers and a flat fee of \$100.00 per week. The individual's weekly mileage expense is approximately \$20.00 and his other expenses total approximately \$7.00. The fee is not a reasonable reimbursement for mileage and other expenses. The difference between the fee and the actual expenses is included in determining whether the "substantially all the remuneration" requirement is met. The individual's output based remuneration would have to be at least 75% of the individual's total pay for the exemption to apply.

- 2) The "written contract" requirement is not met unless the contract specifically states that the individual will not be treated as an employee for Federal tax purposes. It will not be sufficient for the contract to merely state that the individual will not be treated as an employee. Any services provided prior to the date of the execution of the required written contract shall not be exempt under Section 225(C) of the Act; whether these services constituted employment under the Act shall be determined under Section 212 of the Act.

## DEPARTMENT OF EMPLOYMENT SECURITY

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT(S)

## NOTICE OF PROPOSED AMENDMENT(S)

- 3) Delivery or distribution to the "ultimate consumer" does not include the delivery or distribution for sale or resale, including but not limited to, distribution to a newsrack or newsbox, salesperson, newsstand or retail establishment. Delivery or distribution to the "ultimate consumer" does not include the distribution for further distribution regardless of subsequent sale or resale.

Example: Delivery of a single newspaper to a restaurant owner who allows his customers to read the paper is delivery to the ultimate consumer.

Example: Delivery of several copies of a newspaper to a restaurant which provides a complimentary morning newspaper for its customers is not delivery to the ultimate consumer.

- b) Section 225(C) of the Act shall apply only to services performed on or after September 22, 1992.

- c) Section 225(C) of the Act shall apply to a "delivery agent" who delivers the newspaper or shopping news to the ultimate consumer through one or more agents or carriers.

Example: Newspaper A contracts with an individual to deliver its newspapers in a specified area. This individual hires several adult motor route carriers to actually deliver the newspaper. Section 225(C) applies to both the individual and the adult motor route carriers because they are delivering newspapers to the ultimate consumer.

- d) For Section 225(C) of the Act to apply, the majority (more than 50%) of the individual's deliveries of the newspaper or shopping news must be to the ultimate consumer.

Example: An individual has a large newspaper distribution route. On this route, 40% of his deliveries are to homes or apartments. The remaining 60% are delivered to stores, restaurants, newsstands and other retail establishments for retail sale. Section 225(C) does not apply to this individual.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED RULE

## NOTICE OF PROPOSED RULE

1) Heading of the Part: Electronic Filing of Illinois Individual Income Tax Returns

2) Code Citation: 86 Ill. Adm. Code 105

3) Section Numbers: Proposed Action:

105.100 New Section  
105.110 New Section  
105.120 New Section  
105.200 New Section  
105.210 New Section  
105.220 New Section  
105.230 New Section  
105.300 New Section  
105.310 New Section  
105.320 New Section  
105.330 New Section  
105.340 New Section  
105.400 New Section  
105.410 New Section  
105.420 New Section  
105.430 New Section  
105.440 New Section  
105.450 New Section  
105.460 New Section  
105.470 New Section  
105.500 New Section  
105.510 New Section  
105.520 New Section  
105.600 New Section  
105.700 New Section  
105.800 New Section  
105.810 New Section  
105.900 New Section  
105.910 New Section  
105.920 New Section  
105.1000 New Section  
105.1010 New Section

4) Statutory Authority: The Illinois Income Tax Act, Ill. Rev. Stat. 1991, ch. 120, par. 1-101 et seq, as amended by P.A. 87-879

5) A Complete Description of the Subjects and Issues Involved:  
This rulemaking details requirements for participation in the electronic filing of individual income tax returns. The rules explain the composition of an electronic return and explain the various participants in the program, with reference to taxpayers, electronic return

originators, transmitters and computer software developers. The rule details requirements for participation in the electronic filing program and the standards utilized by the Department in granting acceptance into the program. The rule sets forth information on the types of returns that may be filed, the nature of the data that may be transmitted electronically, as well as the information that must be submitted on paper. Finally, the rules provide transmission procedures for participants, set forth advertising standards and contain the Department's monitoring and suspension standards.

6) Will this proposed rule replace an emergency rule currently in effect:  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference?  
Yes

9) Are there any other proposed amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: This rulemaking neither creates a state mandate, nor modifies any existing state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Constance W. Beard  
Manager  
Illinois Department of Revenue  
Legal Services Bureau  
101 West Jefferson  
Springfield, Illinois 62708  
Phone: (217) 785-8256

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 22, 1992

B) Types of small businesses affected: Any small business that wishes to participate in the electronic filing of individual income tax returns.

C) Reporting, bookkeeping or other procedures required for compliance: The rulemaking details the reporting and

## ILLINOIS REGISTER

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED RULE

recordkeeping procedures for participants in the electronic filing of individual income tax returns. The requirements are similar in scope and effect to current requirements for income tax preparers of paper returns.

- D) Types of professional skills necessary for compliance: No additional professional skills necessary for compliance. The rules do require a degree of computer literacy on the part of participants.

The full text of the Proposed Amendments is identical to the text of Emergency Amendments which appear in this issue of the Illinois Register on page 448.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:  
100.3100 Amendment  
100.3400 Amendment  
100.7010 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 120, par. 1-101 et seq., as amended by P.A. 87-880.
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that for residents of states that impose a comparable tax liability on residents of this State, in the case of persons who perform personal services under personal service contracts for sports performances, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State. The rules provide that such income is compensation income and is allocated to Illinois under Section 100.3400 of the Department's rules on the basis of duty days. Duty days are days during any part of which the person is under a duty to perform personal services under the terms of his or her personal services contract. The rulemaking provides that duty days in Illinois shall equal one day for each duty day during any part of which the employee is physically present in Illinois. The amount of income constituting compensation paid in this State to such person shall be determined by multiplying the person's total compensation for performing such personal services by a fraction, the denominator of which contains the total number of duty days and the numerator of which is the number of duty days in Illinois during the taxable year.
- 6) Will this proposed rule replace an emergency rule currently in effect:  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: Yes  

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Register Citation</u>
100.3700	Amendment	16 Ill. Reg. 7306
100.9920	New Section	16 Ill. Reg. 7306
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates a state mandate, nor affects any existing state mandate.



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Constance W. Beard  
Manager  
Illinois Department of Revenue  
Legal Services Bureau  
101 West Jefferson  
Springfield, Illinois 62708  
Phone: (217) 785-8256

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 22, 1992

B) Types of small businesses affected: Any small business that contracts with persons who perform personal services under personal services contracts for sports performances at sporting events that take place in Illinois.

C) Reporting, bookkeeping or other procedures required for compliance: No new procedures are required. As a result of the change in law existing procedures for reporting income and withholding Illinois income tax may be expanded to some additional individuals and businesses employing such individuals.

D) Types of professional skills necessary for compliance: Basic bookkeeping skills.

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments which appear in this issue of the Illinois Register on Page 475.

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Community Care Program

2) Code Citation: 89 Ill. Adm. Code 240

3) Section Numbers: Adopted Action:

240.729

New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, Ch. 23, Sections 6104.01(4), (9), (11), and (12); 6104.02, 6104.03, and 6105.02

5) Effective Date of Amendments: December 29 1992

6) Does this rulemaking contain an automatic repeal date?  
Yes ☒ No ☐

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 18, 1992

9) Notice of Proposal Published in Illinois Register:

August 7, 1992: 16 Ill. Reg. 12251  
(issue date)

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

The following changes have been made between proposal and final version of this rulemaking:

Section 240.729:

the "DON SCORE RANGE" of "22-36" was corrected to "33-36".

Section 240.400:

the word "vendor" immediately following the words "or a" has been deleted and the word "provider" has been added and inserted in its place.

Section 240.415:

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

the word "vendors" immediately following "(CCUs)," has been deleted and the word "providers" has been added and inserted in its place.

## Subsection 240.415(h):

the word "Vendor" immediately following the word "Program" has been deleted and the word "Provider" has been added and inserted in its place.

## Subsection 240.415(i):

the word "vendor" immediately following the words "uphold a" has been deleted and the word "provider" has been added and inserted in its place.

## Subsection 240.415(j):

the word "vendor" immediately following the word "authorized" has been deleted and the word "provider" has been added and inserted in its place.

## Subsection 240.415(l):

the word "vendor" immediately following the word "or" has been deleted and the word "provider" has been added and inserted in its place.

## Section 240.728:

the word "vendors" immediately following "(CCP)" has been deleted and the word "providers" has been added and inserted in its place.

## Section 240.855:

the title "Applicant/Client Expense for Care" has been added and inserted following the Section number.

## Subsection 240.855(a):

the word "vendor" immediately following the words "to the" has been deleted and the word "provider" has been added and inserted in its place.

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

## Subsection 240.855(a) (2):

the word "vendor" immediately following the words "to the" has been deleted and the word "provider" has been added and inserted in its place.

## TABLE OF CONTENTS:

## Subpart P: Vendor Procurement:

the word "Vendor" has been deleted and the word "Provider" has been added and inserted in its place.

## Section 240.1600:

the Section title "Vendor Procurement" has been deleted and "Provider Contract" has been added and inserted in its place.

## Section 240.1605:

the word "Vendor" in the Section title has been deleted and the word "Provider" has been added and inserted in its place.

## Section 240.1610:

the words "for Provider Services" has been added and inserted immediately following the word "Cycle" in the Section title.

## Section 240.1620:

the words "Request for" and "Vendor" have been deleted; the word "Provider" has been added and inserted immediately following the word "of"; and, the words "and Guidelines" have been added and inserted immediately following the word "Proposal".

## Section 240.1625:

the words "Request for" and "Vendor" have been deleted; the word "Provider" has been added and inserted immediately following the word "of"; and, the words "and Guidelines" have been added

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

Section 240.1660:

the Section title "Vendor Compliance During Contract Period" has been deleted and the title "Compliance Reviews of Contracted Provider Agencies" has been added and inserted in its place.

Section 240.1661:

"Provider Right to Appeal" has been added.

MAIN SOURCE NOTE:

the main source note has been updated after the "amended at 16 Ill. Reg. 11731, effective June 30, 1992;" entry to include: "emergency amendment at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992."

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
No agreement was necessary.

13) Will these amendments replace emergency amendments currently in effect? Yes

14) Are there any proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register:</u>
240.1510	Amendment	16 ILL. Reg. 15203
240.1520	Amendment	16 ILL. Reg. 15203
240.1530	Amendment	16 ILL. Reg. 15203
240.1535	Amendment	16 ILL. Reg. 15203
240.1540	Amendment	16 ILL. Reg. 15203
240.1545	Amendment	16 ILL. Reg. 15203
240.1550	Amendment	16 ILL. Reg. 15203
240.1555	Amendment	16 ILL. Reg. 15203
240.1560	Amendment	16 ILL. Reg. 15203
240.1565	Amendment	16 ILL. Reg. 15203
240.1570	Amendment	16 ILL. Reg. 15203
240.1575	Amendment	16 ILL. Reg. 15203

the words "Type I, II and III Vendor" have been deleted in the Section title and the words "Provider Service" have been added and inserted in their place.



## NOTICE OF ADOPTED AMENDMENTS

240.1580 Amendment 16 Ill.Reg. 15203  
240.1590 Amendment 16 Ill.Reg. 15203  
240.1800 Amendment 16 Ill.Reg. 15203  
240.1850 Amendment 16 Ill.Reg. 15203  
240.2020 Amendment 16 Ill.Reg. 15203  
240.2050 Amendment 16 Ill.Reg. 15203

15) Summary and Purpose of Amendments:

These amendments will allow the Department to increase adult day care service maximum levels, thereby ensuring that adult day care service is being delivered in the manner prescribed by law and in a manner to protect the safety and welfare of adult day care clients.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mary J. Mayes  
Policy and Rules Analyst  
Illinois Department on Aging  
Address: 421 East Capitol Avenue  
Springfield, IL 62701  
Telephone: (217) 782-4842

The full text of the Adopted Amendments begins on the next page:

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

PART 240  
COMMUNITY CARE PROGRAM

## SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1,1982 (Repealed)
240.160	Definitions

## SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service
240.230	Adult Day Care Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Chore-Housekeeping Provider

## SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes
240.370	Voluntary Repayment

## SUBPART D: APPEALS

Section	
240.400	Appeals and Fair Hearings
240.405	Representation
240.410	When the Appeal May Be Filed

## NOTICE OF ADOPTED AMENDMENTS

240.415  
240.420  
240.425  
240.430  
240.435  
240.440  
240.445  
240.450  
240.451  
240.455  
240.460  
240.465  
240.470  
240.475  
240.480  
240.485

What May Be Appealed  
Group Appeals  
Informal Review  
Informal Review Findings  
Withdrawing an Appeal  
Examining Department Records  
Hearing Officer  
The Hearing  
Conduct of Hearings  
Continuance of the Hearing  
Postponement  
Dismissal Due to Non-Appealance  
Rescheduling the Appeal Hearing  
Recommendations of Hearing Officer  
The Appeal Decision  
Reviewing the Official Report of the Hearing

## SUBPART E: APPLICATION

Section  
240.510  
240.520  
240.530  
240.540

Application for Community Care Program  
Who May Make Application  
Date of Application  
Statement to be Included on Application

## SUBPART F: ELIGIBILITY

Section  
240.600  
240.610  
240.620  
240.630  
240.640  
240.650  
240.655  
240.660

Eligibility Requirements  
Establishing Eligibility  
Home Visit  
Determination of Eligibility  
Eligibility Decision  
Continuous Eligibility  
Frequency of Redeterminations  
Extension of Time Limit

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section  
240.710  
240.715  
240.720

Age  
Determination of Need  
Clients Prior to Effective Date of This Section (Repealed)

240.725 Clients After Effective Date of This Section (Repealed)  
240.726 Emergency Budget Act Reduction (Repealed)  
240.727 Minimum Score Requirements

## NOTICE OF ADOPTED AMENDMENTS

240.728  
240.729  
240.730  
240.735  
240.740  
240.750  
240.755  
240.760

Maximum Payment Levels for Service  
Maximum Payment Levels for Adult Day Care Service  
Plan of Care  
Supplemental Information  
Assessment of Need  
Citizenship  
Residence  
Furnishing of Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

Section  
240.800  
240.810  
240.815  
240.820  
240.825  
240.830  
240.835  
240.840  
240.845  
240.850  
240.855  
240.860  
240.865  
240.870

Financial Factors  
Assets  
Exempt Assets  
Asset Transfers  
Income  
Unearned Income Exemptions  
Earned Income  
Potential Retirement, Disability and Other Benefits  
Family  
Monthly Average Income  
Applicant/Client Expense for Care  
Change in Income  
Application For Medical Assistance (Medicaid)  
Determination of Applicant/Client Monthly Expense for Care  
Client Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

Section  
240.905  
240.910  
240.915  
240.920  
240.925  
240.930  
240.935  
240.940  
240.945  
240.950  
240.955

Prohibition of Institutionalized Individuals From Receiving Community Care Program Services  
Written Notification  
Service Provision  
Reasons for Denial  
Frequency of Redeterminations (Renumbered)  
Suspension of Services  
Discontinuance of Services to Clients  
Penalty Payments  
Notification  
Reasons for Termination  
Reasons for Reduction or Change

## SUBPART J: SPECIAL SERVICES

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

## Section

240.1010 Nursing Home Prescreening  
 240.1020 Interim Services  
 240.1040 Intense Service Provision  
 240.1050 Temporary Service Increase

## SUBPART K: TRANSFERS

## Section

240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service  
 240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service  
 240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit  
 240.1140 Transfer of Pending Applications  
 240.1150 Interagency Transfers  
 240.1160 Temporary Transfers - Case Coordination Unit to Case Coordination Unit  
 240.1170 Caseload Transfer - Vendor to Vendor  
 240.1180 Caseload Transfer - Case Coordination Unit to Case Coordination Unit

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section  
 240.1210 Administrative Service Contract

## SUBPART M: CASE COORDINATION UNITS AND VENDORS

## Section

240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors  
 240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts  
 240.1330 General Vendor and CCU Responsibilities (Repealed)  
 240.1396 Payment for Services (Repealed)  
 240.1397 Purchases and Contracts (Repealed)  
 240.1398 Safeguarding Case Information (Repealed)  
 240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

## SUBPART N: CASE COORDINATION UNITS

## Section

240.1400 Community Care Program Case Management  
 240.1410 Case Coordination Unit Administrative Minimum Standards

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

## 240.1420

Case Coordination Unit Responsibilities  
 240.1430 Case Management Staff Positions, Qualifications and Responsibilities

240.1440 Training Requirements For Case Management Supervisors and Case Managers

## SUBPART O: VENDORS

## Section

240.1510 Vendor Administrative Minimum Standards  
 240.1520 Vendor Responsibilities  
 240.1530 General Homemaker Staffing Requirements  
 240.1535 Homemaker Staff Positions, Qualifications and Responsibilities  
 240.1540 General Chore-Housekeeping Staffing Requirements  
 240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities  
 240.1550 Standard Requirements for Adult Day Care Vendors  
 240.1555 General Adult Day Care Staffing Requirements  
 240.1560 Adult Day Care Staff Positions, Qualifications and Responsibilities  
 240.1565 Adult Day Care Satellite Sites  
 240.1570 Adult Day Care Service Availability Expansion  
 240.1575 Adult Day Care Site Relocation  
 240.1580 Standards for Alternative Providers  
 240.1590 Standard Requirements for Individual Chore-Housekeeping Provider Services

## SUBPART P: PROVIDER PROCUREMENT

## Section

240.1600 Provider Contract  
 240.1605 Procuring Provider Services  
 240.1610 Procurement Cycle for Provider Services  
 240.1620 Issuance of Provider Proposal and Guidelines  
 240.1625 Content of Provider Proposal and Guidelines  
 240.1630 Criteria for Number of Provider Contracts Awarded  
 240.1635 Evaluation of Provider Proposals  
 240.1640 Determination and Notification of Provider Awards  
 240.1645 Objection to Procurement Action Determination  
 240.1650 Classification of Provider Service Violations  
 240.1655 Method of Identification of Provider Service Violations  
 240.1660 Compliance Reviews of Contracted Provider Agencies  
 240.1661 Provider Right to Appeal  
 240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements



## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

240.1710 Procurement Cycle For Case Management Services  
240.1720 Case Coordination Unit Compliance Review

## SUBPART R: ADVISORY COMMITTEES

Section  
240.1800 Policy Advisory Committee  
240.1850 Technical Rate Review Advisory Committee

## SUBPART S: RATES

Section  
240.1910 Establishment of Fixed Unit Rates  
240.1920 Contract Specific Variations  
240.1930 Fixed Unit Rates of Reimbursement for Chore-Housekeeping and Homemaker Services  
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation  
240.1950 Adult Day Care Fixed Unit Reimbursement Rates  
240.1960 Case Management Fixed Unit Reimbursement Rates

## SUBPART T: FINANCIAL REPORTING

Section  
240.2020 Financial Reporting of Chore-Housekeeping and Homemaker Services  
240.2030 Unallowable Costs for Chore-Housekeeping and Homemaker Services  
240.2040 Minimum Direct Service Worker Costs for Chore-Housekeeping and Homemaker Services  
240.2050 Cost Categories for Chore-Housekeeping and Homemaker Services

**AUTHORITY:** Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging (Ill. Rev. Stat. 1991, ch. 23, pars. 6104.02 and 6104.01(1)).

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838 effective, February 1, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments at 16 Ill. Reg. 2630 effective February 1, 1992, for a maximum of 150 days; emergency amendments modified and reinstated at 16 Ill. Reg. 2943; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 2901, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; added at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992.

NOTE: Bold faced type denotes statutory language.

**Section 240.729 Maximum Payment Levels for Adult Day Care Service**

Applicable service maximum levels for Community Care Program clients who, based on an approved plan of care, receive at least the indicated minimum units of adult day care service are:

DON SCORE RANGE	SERVICE MAXIMUM LEVEL	MINIMUM ADC UNITS/WK.
29-32	\$ 190	N/A

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

3322-36  
37-45  
46-56  
57-67  
68-78  
79-87  
88-100

450  
500  
750  
800  
910  
1240  
1445

2  
3  
4  
4  
N/A  
N/A  
N/A

(Source: Added at 17 Ill. Reg. 224, effective December 29, 1992.)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers:  
310.110 Amended  
310.130 Amended  
310. Appendix B Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 127, par. 63b108a(2)
- 5) Effective Date of Amendment: December 23, 1992
- 6) Does this rulemaking contain an automatic repeal date? Yes X No  
If "yes", please specify date:
- 7) Does this amendment contain incorporation by reference? No  
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking?

These amendments do not contain any incorporations by reference.

- 8) Date filed in Agency's Principle Office: December 23, 1992
- 9) Notice of Proposal Published in Illinois Register:  
September 11, 1992; Issue #37, 16 Ill. Reg. 13679
- 10) Has JCAR issued a Statement of Objections to this rule? No  
If answer is "yes", please complete the following:
  - A) Statement of Objection: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
(Issue Date)
  - B) Agency Response: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
(Issue Date)
  - C) Date Agency Response Submitted for Approval to JCAR?
- 11) Difference between proposal and final version:  
There were no changes made between the first proposal and final version.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

310. Appendix A, Table F	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table O	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table P	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table U	Amended	16 Ill. Reg. 18139 (December 4, 1992)

15) Summary and Purpose of Amendment:

The Department of Central Management Services had previously filed amendments to the Pay Plan to implement the Fiscal Year 1993 changes that affected those employees subject to the Schedule of Salary Grades. The following sections were proposed for revision:

In each of the sections, the effective dates are being changed to reflect the new fiscal year.

In Section 310. Appendix B, the revision to the Schedule of Salary Grades reflects the general increase of 2.5% for July 1, 1992, and 2% for January 1, 1993, to maintain alignment with most of the Collective Bargaining units who have received the above same general increases.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mr. Michael Murphy  
Address: Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

No changes were recommended.

13) Will these Amendments replace an emergency amendment currently in effect?

Yes.

14) Are there any amendments pending to this part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310. Appendix A, Table M	Amended	16 Ill. Reg. 13679 (August 28, 1992)
310. 290	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. 450	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. 455	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. 470	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. 530	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. 540	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. Appendix C	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. Appendix D	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. 30	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. 40	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. 230	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. 270	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table C	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table D	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table E	Amended	16 Ill. Reg. 18139 (December 4, 1992)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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- RC-069 (Firefighters, AFSCME)
- HR-001 (Teamsters Local #726)
- RC-020 (Teamsters Local #330)
- RC-019 (Teamsters Local #35)
- RC-045 (Automotive Mechanics, ISEA)
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- RC-014 (Clerical Employees, AFSCME)
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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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EMERGENCY	Administrator Rates for Fiscal Year 1992 1993
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1992 1993
EMERGENCY	Teaching Salary Schedule (Repealed)
APPENDIX E	Physician and Physician Specialist Salary Schedule (Repealed)
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AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1989 1991, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; Emergency amendment at 16 Ill. Reg. 6888, effective April 9, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310.110 Implementation of Pay Plan Changes -- Effective--July-1, 1991 for Fiscal Year 1993

- a) Effective-July-1, 1991, the rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly and Annual Rates of Pay for Fiscal Year 1992 1993.
- b) Any employee who received a salary payment for part of Fiscal Year 1993 that did not reflect the rates in Section 310. Appendix B for Fiscal Year 1993, shall receive a lump sum payment equal to the difference between what was initially paid and what is appropriate per that provision.

(Source: Amended at 17 Ill. Reg. 238, effective December 23, 1992)

## Section 310.130 Effective Date

The effective date of this Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B), shall be July 1, 1991 1992.

(Source: Amended at 17 Ill. Reg. 238, effective December 23, 1992)

## Section 310. Appendix B Schedule of Salary Grades -- Monthly and Annual Rates of Pay for Fiscal Year 1992 1993

Grade	Minimum Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Maximum Step 7
1	14,170	14,206	14,239	14,274	14,315	14,349	14,413
	14,040	14,472	14,868	15,288	15,780	16,188	16,956
2	14,206	14,239	14,274	14,317	14,354	14,391	14,457
	14,472	14,868	15,288	15,804	16,248	16,692	17,484
3	14,239	14,274	14,318	14,357	14,395	14,436	14,509
	14,868	15,288	15,816	16,284	16,740	17,232	18,108
4	14,274	14,318	14,360	14,399	14,445	14,486	14,562
	15,288	15,816	16,320	16,788	17,340	17,832	18,744
5	14,318	14,362	14,407	14,452	14,495	14,539	14,616
	15,816	16,344	16,884	17,424	17,940	18,468	19,392
6	14,362	14,408	14,454	14,502	14,550	14,600	14,682
	16,344	16,896	17,448	18,024	18,600	19,200	20,184



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

7	1,408	1,457	1,507	1,559	1,610	1,663	1,752
	16,896	17,484	18,084	18,708	19,320	19,956	21,024
8	1,457	1,512	1,566	1,625	1,678	1,735	1,827
	17,484	18,144	18,792	19,500	20,136	20,820	21,924
9	1,512	1,569	1,630	1,688	1,751	1,812	1,905
	18,144	18,828	19,560	20,256	21,012	21,744	22,860
10	1,571	1,638	1,698	1,763	1,825	1,891	1,995
	18,852	19,656	20,376	21,156	21,900	22,692	23,940
11	1,639	1,708	1,771	1,843	1,911	1,977	2,087
	19,668	20,496	21,252	22,116	22,932	23,724	25,044
12	1,717	1,789	1,858	1,934	2,005	2,080	2,197
	20,604	21,468	22,296	23,208	24,060	24,960	26,364
13	1,791	1,867	1,947	2,025	2,103	2,183	2,307
	21,492	22,404	23,364	24,300	25,236	26,196	27,684
14	1,878	1,960	2,042	2,133	2,215	2,300	2,433
	22,536	23,520	24,504	25,596	26,580	27,600	29,196
15	1,961	2,053	2,141	2,229	2,321	2,408	2,551
	23,532	24,636	25,692	26,748	27,852	28,996	30,612
16	2,060	2,156	2,255	2,348	2,446	2,544	2,695
	24,720	25,872	27,060	28,176	29,352	30,528	32,340
17	2,162	2,265	2,370	2,469	2,570	2,674	2,834
	25,944	27,180	28,440	29,628	30,840	32,088	34,008
18	2,278	2,389	2,500	2,613	2,721	2,829	2,997
	27,336	28,668	30,000	31,356	32,652	33,948	35,964
19	2,402	2,524	2,643	2,764	2,881	3,002	3,184
	28,824	30,288	31,716	33,168	34,572	36,024	38,208
20	2,538	2,665	2,790	2,923	3,049	3,174	3,369
	30,456	31,980	33,480	35,076	36,588	38,088	40,428
21	2,680	2,818	2,954	3,091	3,232	3,366	3,576
	32,160	33,816	35,448	37,092	38,784	40,392	42,912
22	2,833	2,980	3,127	3,273	3,424	3,568	3,789
	33,996	35,760	37,524	39,276	41,088	42,816	45,468

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

23	3,005	3,165	3,326	3,484	3,644	3,803	4,042
	36,060	37,980	39,912	41,808	43,728	45,636	48,504
1	1,199	1,236	1,270	1,306	1,348	1,383	1,448
	14,388	14,832	15,240	15,672	16,176	16,596	17,316
2	1,236	1,270	1,306	1,350	1,388	1,426	1,493
	14,832	15,240	15,672	16,200	16,656	17,112	17,916
3	1,270	1,306	1,351	1,391	1,430	1,472	1,547
	15,240	15,672	16,212	16,692	17,160	17,664	18,564
4	1,306	1,351	1,394	1,434	1,481	1,523	1,601
	15,672	16,212	16,728	17,208	17,772	18,276	19,212
5	1,351	1,396	1,442	1,488	1,532	1,577	1,656
	16,212	16,752	17,304	17,856	18,384	18,924	19,872
6	1,396	1,443	1,490	1,540	1,589	1,640	1,724
	16,752	17,316	17,880	18,480	19,068	19,680	20,688
7	1,443	1,493	1,545	1,598	1,650	1,705	1,796
	17,316	17,916	18,540	19,176	19,800	20,460	21,552
8	1,493	1,550	1,605	1,666	1,720	1,778	1,873
	17,916	18,600	19,260	19,992	20,640	21,336	22,476
9	1,550	1,608	1,671	1,730	1,795	1,857	1,953
	18,600	19,296	20,052	20,760	21,540	22,284	23,436
10	1,610	1,679	1,740	1,807	1,871	1,938	2,045
	19,320	20,148	20,880	21,684	22,452	23,256	24,540
11	1,680	1,751	1,815	1,889	1,959	2,026	2,139
	20,160	21,012	21,780	22,668	23,508	24,312	25,668
12	1,760	1,834	1,904	1,982	2,055	2,132	2,252
	21,120	22,008	22,848	23,784	24,660	25,584	27,024
13	1,836	1,914	1,996	2,076	2,156	2,238	2,365
	22,032	22,968	23,952	24,912	25,872	26,856	28,380
14	1,925	2,009	2,093	2,186	2,270	2,358	2,494
	23,100	24,108	25,116	26,232	27,240	28,296	29,928
15	2,010	2,104	2,195	2,285	2,379	2,468	2,615
	24,120	25,248	26,340	27,420	28,548	29,616	31,380

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

16	2,112	2,210	2,311	2,407	2,507	2,608	2,762
	25,344	26,520	27,732	28,884	30,084	31,296	33,144
17	2,216	2,322	2,429	2,531	2,634	2,741	2,905
	26,592	27,864	29,148	30,372	31,608	32,892	34,860
18	2,335	2,449	2,563	2,678	2,789	2,900	3,072
	28,020	29,388	30,756	32,136	33,468	34,800	36,864
19	2,462	2,587	2,709	2,833	2,953	3,077	3,264
	29,544	31,044	32,508	33,996	35,436	36,924	39,168
20	2,601	2,732	2,860	2,996	3,125	3,253	3,453
	31,212	32,784	34,320	35,953	37,500	39,036	41,436
21	2,747	2,888	3,028	3,168	3,313	3,450	3,665
	32,964	34,656	36,336	38,016	39,756	41,400	43,980
22	2,904	3,055	3,205	3,355	3,510	3,657	3,884
	34,848	36,654	38,460	40,260	42,120	43,884	46,608
23	3,080	3,244	3,409	3,571	3,735	3,898	4,143
	36,960	38,928	40,908	42,852	44,820	46,776	49,716
Effective: January 1, 1993							
1	1,223	1,261	1,295	1,332	1,375	1,411	1,477
	14,676	15,132	15,540	15,984	16,500	16,932	17,724
2	1,261	1,295	1,332	1,377	1,416	1,455	1,523
	15,132	15,540	15,984	16,524	16,992	17,460	18,276
3	1,295	1,332	1,378	1,419	1,459	1,501	1,578
	15,540	15,984	16,536	17,028	17,508	18,012	18,936
4	1,332	1,378	1,422	1,463	1,511	1,553	1,633
	15,984	16,536	17,064	17,556	18,132	18,636	19,596
5	1,378	1,424	1,471	1,518	1,563	1,609	1,689
	16,536	17,088	17,652	18,216	18,756	19,308	20,268
6	1,424	1,472	1,520	1,571	1,621	1,673	1,758
	17,088	17,664	18,240	18,852	19,452	20,076	21,096
7	1,472	1,523	1,576	1,630	1,683	1,739	1,832
	17,664	18,276	18,912	19,560	20,196	20,868	21,984

(Source: Amended at 17 Ill. Reg. 238, effective December 23, 1992)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Access to and Eligibility for Child Welfare Services
- 2) Code Citation: 89 Ill. Adm. Code 304
- 3) Section Numbers: Adopted Action:  
304.2 Amendment
- 4) Statutory Authority: Implementing Section 5 et seq. of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005 et seq.)
- 5) Effective Date of Amendments: December 31, 1992
- 6) Does this rulemaking contain an automatic repeal date: Yes X No
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: December 31, 1992
- 9) Notice(s) of Proposal Published in Illinois Register: May 15, 1992, at 16 Ill. Reg. 7545
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version: Technical corrections, as agreed.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of these amendments: These rules are amended to incorporate the provisions of Public Act 87-269, which changes the definition of child welfare services to include requirements that children 18 years of age or older be placed and maintained in separate living quarters from children who are under the age of 18.
- 16) Information and questions regarding amendments shall be directed to:  
Name: Jacqueline Nottingham, Chief  
Address: Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe  
Springfield, Illinois 62701-1498  
Telephone: 217/524-1983
- 17) The full text of the adopted amendments is as follows:



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER a: SERVICE DELIVERYPART 304  
ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

## Section

- 304.1 Purpose
- 304.2 Definitions
- 304.3 Introduction to Child Welfare Services
- 304.4 Eligibility for Child Welfare Services
- 304.5 Access to Child Welfare Services
- 304.6 Decision Concerning Case Opening

**AUTHORITY:** Implementing and authorized by Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005); Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, pars. 2052 and 2052.1); Section 1.2 et seq. of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1991, ch. 37, par. 801-2 et seq.); Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6351-3); and Public Law 96-272, The Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 U.S.C. 671 (a) (14)).

**SOURCE:** Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12118, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992.

## Section 304.2 Definitions

**"Abused child" means a person under 18 years of age who is the victim of physical or sexual abuse or severe emotional abuse or is at risk of abuse as defined in the Abused and Neglected Child Reporting Act, as amended.**

**"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:**

**inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;**

**creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or**

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**loss of or impairment of any bodily function;**

**commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961 as amended, and extending those definitions of sex offenses to include children under 18 years of age;**

**commits or allows to be committed an act or acts of torture upon such child; or**

**inflicts excessive corporal punishment. (Ill. Rev. Stat. 1991, ch. 23, par. 2053)**

**"Addicted minor" means any minor who is an addict as defined in the Dangerous Drug Abuse Act, or an alcoholic as defined in the Intoxication Treatment Act, or a dependent as defined in the Addicted Minor Act, or a delinquent as defined in the Juvenile Court Act, or a child who is an addict or an alcoholic as defined in the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6351.3).**

**"Adjudicated" as used in these rules means that the Juvenile Court has entered an order declaring that a child is neglected, dependent, a minor requiring authoritative intervention, a delinquent minor or an addicted minor.**

**"Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:**

**protecting and promoting the welfare of all children, including homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse exploitation, or delinquency of children;**

**preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;**

**restoring to their families children who have been removed, by the provision of services to the child and the families;**

**placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;**

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assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

providing supportive services and living maintenance which contribute to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home;

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code;

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings.

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

(Ill. Rev. Stat. 1991, ch. 23, par. 5005)

"Delinquent minor" means a minor who before his 17th birthday violated or attempted to violate a Federal or State law or municipal ordinance. Delinquent minor is further defined in the Juvenile Court Act of 1987.

"Department client" means a child or a family who is receiving child welfare services either directly from the Department or through the Department's purchase of service providers.

"Dependent minor" means a child under 18 years of age who as a result of physical or mental disability of a parent or other legal guardian: is not receiving proper medical, remedial or other necessary care necessary for his or her well-being and guardianship; or whose parent wishes to release the child for adoption.

"Dependent minor" is further defined in the Juvenile Court Act of 1987.

"Minimum parenting standards" means that a parent or other person

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responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from severe physical, mental and emotional harm, and provided with necessary medical care and education required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate an interest in a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards. In addition, a parent who is addicted to alcohol as defined in the Alcoholism and Intoxication Treatment Act or who is a drug addict, as defined in the Dangerous Drug Abuse Act, Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 635.1-3) and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve six months is deemed to have failed to have met the minimum parenting standards, unless the child's safety and well-being have been ensured despite the parent's addiction.

"Minor requiring authoritative intervention" means any minor under 18 years of age

++ who is:

absent---from-home---without-consent--of--parent,--guardian,--or custodian,--or  
beyond-the-control-of-his-or-her-parent,--guardian,--or--custodian  
in--circumstances--which--constitute--a--substantial-or-immediate  
danger-to-the-minor's-physical-safety--and

2) who-after-21-days-from-the-date-the-minor-is-taken--into--limited custody,--in-each-instance,--and-having-been-offered-interim-crisis intervention-services,--where-available,--refuses-to-return-after the-minor-and-his-or-her-parent,--guardian,--or--custodian--cannot agree--to-an-arrangement-for-an-alternative-voluntary-residential placement.

"Minor Requiring Authoritative Intervention (MRAI)" means any minor under 18 years of age (1) who is (a) absent from home without consent of parent, guardian or custodian, or (b) beyond the control of his or her parent, guardian or custodian, or circumstances which constitute a substantial or immediate danger to the minor's physical safety; and (2) who, after being taken into limited custody for the period provided for in this Section and offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement. Any minor taken into limited custody for the reasons specified in this Section may not be adjudicated a minor requiring authoritative intervention until the following number of days have elapsed from his or her having been taken into limited custody: 21 days for the first instance of being taken into limited custody and 5 days for the second, third, or fourth instances of being taken into limited custody. For the fifth or any

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subsequent instance of being taken into limited custody for the reasons specified in this Section, the minor may be adjudicated as requiring authoritative intervention without any specified period of time expiring after his or her being taken into limited custody, without the minor's being offered interim crisis intervention services, and without the minor's being afforded an opportunity to agree to an arrangement for an alternative voluntary residential placement. Notwithstanding any other provision for this Section, for the first instance in which a minor is taken into limited custody where one year has elapsed from the last instance of his having been taken into limited custody, the minor may not be adjudicated a minor requiring authoritative intervention until 21 days have passed since being taken into limited custody. (Ill. Rev. Stat. 1991, ch. 37, par. 803-3)

"Neglected minor" means any minor under 18 years of age:

who--does--not--receive--proper--or--necessary--support;--necessary physical-and-emotional--care;--supervision;--education--as--required by--law;--or--medical--care--or--other--remedial--care--recognized--under state--law;--or  
who-is-deserted-or-abandoned;

A-neglected-minor-is-further-defined-in-the-juvenile-Court-Act:

"Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare or who is a newborn infant whose blood or urine contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care. (Ill. Rev. Stat. 1991, ch. 23, par. 2053)

"Purchase of services provider" means an agency or individual offering services to a Department client through a signed contract with the Department.

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"Services delivered by the Department" means those social services provided either directly by Department of Children and Family Services staff or by purchase of service providers.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 17 Ill. Reg. 251, effective December 31, 1992 )



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1) The Heading of the Part: Facilities and Programs Exempt from Licensure

2) Code Citation: 89 Ill. Adm. Code 377

3) Section Numbers: Adopted Action:

377.2 Amendment

377.4 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.

5) Effective Date of Amendments: December 31, 1992

6) Does this rulemaking contain an automatic repeal date: No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 30, 1992

9) Notice(s) of Proposal Published in Illinois Register:

May 15, 1992, 16 Ill. Reg. 7553  
(issue date)

10) Has JCARE issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

In the AUTHORITY section, "The" was changed to "the" Child Care Act.

In the definition of "Elementary school," "The" School Code was changed to "the" School Code.

In the definition of "School," the "Illinois School Code" was changed to the "School Code."

The underlined material was added to the final version of the SOURCE section.  
SOURCE: Adopted and codified at 7 Ill. Reg. 7288, effective June 15, 1983; amended at 9 Ill. Reg. 11282, effective July 15, 1985; amended at 11 Ill. Reg. 14013, effective August 15, 1987; amended at 16 Ill. Reg., effective December 31, 1992.

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The following statutory citations were inserted after their corresponding definitions in Section 377.2.

"Child" ... age- Ill. Rev. Stat. 1991, ch. 23, par. 2212.01).

"Child care Facility" ... not-for-profit- Ill. Rev. Stat. 1991, ch. 23, par. 2212.05).

"Children ... program- Ill. Rev. Stat. 1991, ch. 23, par. 2212.09).

"Day care center" ... home- Ill. Rev. Stat. 1991, ch. 23, par. 2212.09).

"Department" ... Services- Ill. Rev. Stat. 1991, ch. 23, par. 2212.02).

"Part day child care facility" ... week- Ill. Rev. Stat. 1991, ch. 23, par. 2212.10), ...

"Social service agency" ... age Ill. Rev. Stat. 1991, ch. 23, par. 5005).

The following changes were made to clarify legislative intent in Section 377.4: Part Day Child Care Facilities.

Item a) 6) C) - after the phrase "the facility does not provide care" inserted "for any child," and deleted the word "and" from the end of (C).

Inserted (D) as a new item which reads: "No child is provided care for more than 10 hours in a 7 day week; and"

Item a) 6) D) was relettered to (E).

Item b) - deleted the reference to "Section 377.4" and replaced it with "this Section."

Item d) - after the phrase "operates more than 10 hours per" inserted the qualifier "7 day" before "week," and added the statutory citation (Ill. Rev. Stat. 1991, ch. 23, par. 2212.10) after "served."

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? No changes were required

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No



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15) **Summary and Purpose of amendments:** These amendments implemented the statutory changes in the Child Care Act of 1969 that became effective in 1991. The major changes made to Part 377 are summarized as follows:

- 1) The definition of "social service agency" was expanded to include those agencies that provide shelter and services to homeless youth, and to require provision of separate living quarters for children under the age of 18, except under the circumstances specified in Section 377.2;
- 2) Part day child care facilities must provide written notification to the Department of their operation. The notarized statement that is a part of the written notice must now include a statement verifying that no child receives care for over 8 hours in a given day, no child receives care for over 10 hours in any 7 day week, and the facility has at least one caregiver per 20 children (Section 377.4); and
- 3) Any part day child care facility that operates over 10 hours a week in a 7 day period, in addition to the existing rule language, must maintain written records on each child.

16) Information and questions regarding these amendments shall be directed to:

**Name:** Jacqueline Nottingham, Chief  
**Address:** Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe  
Springfield, Illinois 62701-1498

**Telephone:** 217/524-1983

17) The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER d: LICENSING ADMINISTRATION

PART 377

FACILITIES AND PROGRAMS EXEMPT FROM LICENSURE

Section	Purpose
377.1	Definitions
377.2	Day Programs Exempt From Licensure
377.3	Part Day Child Care Facilities
377.4	Child Care Facilities Under Single Circuit Court
377.5	License Required for Government Benefit
377.6	Severability of This Part

**AUTHORITY:** Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.).

**SOURCE:** Adopted and codified at 7 Ill. Reg. 7288, effective June 15, 1983; amended at 9 Ill. Reg. 11282, effective July 15, 1985; amended at 11 Ill. Reg. 14013, effective August 15, 1987; amended at 17 Ill. Reg. 259, effective December 31, 1992.

Section 377.2 Definitions

"Accredited" means accredited by the North Central Association of Schools and Colleges, its regional counterparts, or the National Accreditation Council.

"Child" means any person under 18 years of age (Ill. Rev. Stat. 1991, ch. 23, par. 2212.01).

"Child care facility" means any person, group of persons, agency, association, or organization which arranges for care or cares for children unrelated to the operator of the facility, apart from the parents in any facility as defined in the Act. Child care facilities may be established for profit or not-for-profit (Ill. Rev. Stat. 1991, ch. 23, par. 2212.05). "Child care facility" is further defined in Section 2.05 of the Child Care Act of 1969.

"Children who shall have attained the age of 3 years" means children who are 3 years of age but less than 4 years of age at the time of enrollment in the program (Ill. Rev. Stat. 1991, ch. 23, par. 2212.09).

"Church" means "religious institution" as defined in this Section.

"Day care center" means any child care facility which regularly

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provides day care for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other than a family home- (Ill. Rev. Stat. 1991, ch. 23, par. 2212.09). Exclusions from this definition are listed in Section 2.09 of the Child Care Act of 1969.

"Department" means the Illinois Department of Children and Family Services- (Ill. Rev. Stat. 1991, ch. 23, par. 2212.02).

"Elementary school" for purposes of this Part, means an educational program or facility which offers classes through the sixth grade and which satisfies the compulsory school attendance requirements of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 26) and either offers classes for the first through the sixth grade or offers classes from the levels of nursery school or kindergarten through at least the first grade with a plan to offer classes through the sixth grade within five years.

"Fee" means any charge that a parent is required to pay or agrees to pay directly or indirectly whether as money, goods, or services, for the care of a child.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"Parent(s)" means person(s) assuming legal responsibility for the care and protection of a child on a 24-hour basis; includes guardian or legal custodian.

"Part day child care facility" means a day program conducted by a church, religious organization or social service agency which provides care to individual children, on an intermittent basis, for up to 8 10 hours per 7 day week (Ill. Rev. Stat. 1991, ch. 23, par. 2212.10), and which has notified the Department of its operation in accordance with Section 377.4 of this part.

"Religious institution" or "religious organization," for purposes of the Part, means an entity which declared its intent to operate for religious purposes in securing its tax exempt status pursuant to 26 U.S.C. 501 (c)(3) of the Internal Revenue Code.

"School", for purposes of this Part, means an educational program or facility which satisfies the compulsory school attendance requirements of the Illinois School Code (Ill. Rev. Stat. 1991, ch. 122, par. 26).

"School system" means one or more schools operated by a public or

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private board of education or other central administrative body which exercises control over curriculum, staffing, admissions, and other educational policies.

"Social service agency," for purposes of this Part, means an organization exempt from taxation pursuant to 26 U.S.C. 501 (c)(3) of the Internal Revenue Code which provides social services directed toward the accomplishment of one or more of the following purposes:

Protecting and promoting the welfare of ~~all~~ children, including ~~handicapped~~; homeless, dependent, or neglected children; Preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the break-up of the family where the prevention of child removal is desirable and possible;

Restoring to their families children who have been removed, by the provision of services to the child and the families;

Placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and

Assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

Providing supportive services and living maintenance which contribute to the physical, emotional and social well-being of children who are pregnant and unmarried;

Providing shelter and independent living services for homeless youth; and

Placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or  
who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or  
who are female children who are pregnant, pregnant and parenting or parenting; or  
who are siblings;

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age (Ill. Rev. Stat. 1991, ch. 23, par. 5005).

(Source: Amended at 17 Ill. Reg. 259, effective

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each child which shall include the name(s) of the child's parent(s); the telephone number(s) at which the parent(s) can be reached during the hours the child is at the facility; and the number of hours each child is served- (Ill. Rev. Stat. 1991, ch. 23, par. 2212.10).

- 1) The facility staff shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parent(s) or guardian to receive the child. Persons not known to the facility staff shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- 2) The facility shall maintain a list of persons designated, in writing, by the parent(s) or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parent(s) or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parent(s) or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation.)
- e) Records required by this Section may be examined by the Department or its authorized agent to verify compliance with this Part, and shall be retained by the facility for 3 years.

(Source: Amended at 17 Ill. Reg. 259, effective December 31, 1992)

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December 31, 1992 )

## Section 377.4 Part Day Child Care Facilities

- a) Part day child care facilities are required to provide written notification to the Department of their operation. The written notification shall include the following:

- 1) The name of the church, religious organization or social service agency responsible for the facility;
- 2) A copy of the trust instrument, certificate and articles of incorporation, articles of association, or other written instrument establishing the church, religious organization or social service agency;
- 3) The address at which the part day child care facility operates or intends to operate;
- 4) The name, address and telephone number of the person or persons responsible for on-site supervision of the program;
- 5) The usual days and hours that the part day child care facility operates or intends to operate; and
- 6) A notarized statement that
  - A) the facility complies with the standards of the Illinois Department of Public Health (77 Ill. Adm. Code 750) or the local health department; and
  - B) that the facility complies with the fire safety standards of the Illinois State Fire Marshal (41 Ill. Adm. Code 100).

(Part day child care facilities operated in public school buildings may satisfy this requirement with a notarized statement that the facility meets the health and safety standards of the Illinois State Board of Education - SBE Rule 201, Building Specifications for Health and Safety in Public Schools (23 Ill. Adm. Code 485-1).)

- C) the facility does not provide care for any child for more than eight hours in any given day;
- D) no child is provided care for more than 10 hours in a 7 day week; and
- E) the facility provides at least one caregiver per 20 children.

- b) The church, religious organization or social service agency responsible for a continuing part day child care facility shall re-notify the Department, in writing, of its operation within two years of its original or last notification, and within thirty (30) days of a change in the information required by Section--377-4- this Section.

- c) A church, religious organization or social service agency operating more than one program shall provide the Department a separate, written notification for each site from which a part day child care facility is operated under its sponsorship.

- d) A part day child care facility which operates more than 8 10 hours per 7 day week or charges fees is required to maintain a written record on



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- 1) The Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3) Section Numbers: Adopted Action:  
402.15 Amend
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.
- 5) Effective Date of adopted amendment: December 21, 1992
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Do these adopted amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 21, 1992
- 9) Notice(s) of Proposal Published in Illinois Register:  
July 24, 1992, 16 Ill. Reg. 11707  
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version: No differences exist between the proposed and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required
- 13) Will these amendments replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Department rules exist that allow the Director to waive the maximum number of children who may be placed in an adoptive home to allow the placement of sibling groups together. The newly adopted amendments allow the Director to waive age requirements to allow sibling groups to be placed together in an adoptive home. This will prevent the separation of young siblings in adoptive placements.

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- 16) Information and questions regarding these amendments shall be directed to:  
Name: Jacqueline Nottingham, Chief  
Address: Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe  
Springfield, Illinois 62701-1498  
Telephone: 217/524-1983  
The full text of the adopted amendments is as follows:

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TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER e: REQUIREMENTS FOR LICENSUREPART 402  
LICENSING STANDARDS FOR FOSTER FAMILY HOMES

## Section

- 402.1 Purpose
- 402.2 Definitions
- 402.3 Effective Date of Standards
- 402.4 Application for License
- 402.5 Application for Renewal of License
- 402.6 Provisions Pertaining to the License
- 402.7 Provisions Pertaining to Permits
- 402.8 General Requirements for the Foster Home
- 402.9 Requirements for Sleeping Arrangements
- 402.10 Nutrition and Meals
- 402.11 Business and Employment of Foster Parents
- 402.12 Qualifications of Foster Parents
- 402.13 Background Inquiry
- 402.14 Health of Foster Family
- 402.15 Number and Ages of Children Served
- 402.16 Meeting Basic Needs of Children
- 402.17 Health Care of Children
- 402.18 Religion
- 402.19 Recreation and Leisure Time
- 402.20 Education
- 402.21 Discipline of Children
- 402.22 Emergency Care of Children
- 402.23 Release of Children
- 402.24 Confidentiality of Information
- 402.25 Required Written Consents
- 402.26 Records to be Maintained
- 402.27 Licensing Supervision
- 402.28 Adoptive Homes
- 402.29 Severability of This Part

AUTHORITY: Implementing and authorized by the Child Care Act of 1969, as amended (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.).

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992.

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## Section 402.15 Number and Ages of Children Served

- a) The maximum number of children permitted in foster family home is 8, unless all of the foster children are of common parentage or a waiver has been granted in accordance with subsection (b) below. This maximum number includes the foster parents' own children and all other children under the age of 18, cared for on a part-time or full-time basis.
- b) The Director of the Department of Children and Family Services shall waive in writing the maximum number of 8 children to effect an adoptive placement provided the following criteria are met:
  - 1) a licensed child welfare agency or the Department proposes to place an additional child or children, in the home, for the purpose of adoption;
  - 2) the child welfare agency or the Department has documented in the child's case record that no other home is available--that would meet--the--permanency--needs this home is the most appropriate choice consistent with the best interest of the child or children;
  - 3) the foster family is otherwise in compliance with the licensing requirements of this Part, and could meet standards for the additional child or children; and
  - 4) the foster family has requested, in writing, that the Director waive the limit of 8 children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption.
- c) No more than 4 children under the age of 6, including the foster parent(s)' own children, shall be cared for receive full-time care at any one time. No more than 2 children, including the family's own children, shall be under the age of 2, unless the foster parent(s) is aided by a child care assistant at least 16 years of age other than a foster child. The Director of the Department of Children and Family Services may waive the age requirements in this subsection, if necessary, to place a child in an adoptive home provided the criteria in subsections (b)(1) through (4) are met. A foster child who is the parent of another child placed in the same foster home may serve as a child care assistant in relation to the care of her own child. Child care assistants shall meet health requirements as specified in Section 402.14.
- d) Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of 4 children unless all of the unrelated children are of common parentage. No more than 2 of these children, including the family's own children, shall be under the age of 2 unless of common parentage.
- e) When determining how many children the foster family home shall serve, children who have special needs due to physical, mental, or emotional disabilities shall be considered at the level at which they function.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 17 Ill. . Reg. 267, effective  
December 21, 1992 )

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Multiple Licensure
- 2) Code Citation: 89 Ill. Adm. Code 378
- 3) Section Numbers: Adopted Action:  
378.1 Repeal  
378.2 Repeal  
378.3 Repeal  
378.4 Repeal
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 23, pars. 2212.17 and 2212.18 et seq.
- 5) Effective Date of adopted repealer: December 21, 1992
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this repealed part contain incorporations by reference? Not applicable
- 8) Date Filed in Agency's Principal Office: December 21, 1992
- 9) Notice(s) of Proposal Published in Illinois Register:  
May 15, 1992, 16 Ill. Reg. 7561  
(issue date)
- 10) Has JC&R issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version: No changes exist between the proposed and final version.
- 12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? No changes required
- 13) Will the adopted repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Repealer: 89 Ill. Adm. Code 378 created confusion in setting capacity for homes licensed for both foster care and day care. This was corrected in the actual licensing standards for foster care and day care. Part 378 is no longer correct or necessary.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED REPEALER

16) Information and questions regarding the adopted repealer shall be directed to:

Name: Jacqueline Nottingham, Chief

Address: Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe  
Springfield, Illinois 62701-1498

Telephone: 217/524-1983

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Services Delivered by the Department
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Numbers: Adopted Action:  
302.20 Amendment
- 4) Statutory Authority: Implementing Section 5 et seq. of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005 et seq.)
- 5) Effective Date of Amendments: December 31, 1992
- 6) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒  
If so, please specify date:
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 31, 1992
- 9) Notice(s) of Proposal Published in Illinois Register: May 15, 1992, at 16 Ill. Reg. 7565
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Technical corrections, as agreed
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of these amendments: These rules are amended to incorporate the provisions of Public Act 87-269, which changes the definition of child welfare services to include requirements that children 18 years of age or older be placed and maintained in separate living quarters from children who are under the age of 18.

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding amendments shall be directed to:

Name: Jacqueline Nottingham, Chief

Address: Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe  
Springfield, Illinois 62701-1488

Telephone: 217/524-1983

17) The full text of the adopted amendments is as follows:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT(S)

## SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Implementation of the Family Preservation Act
302.510	Types of Intensive Family Preservation Services
302.520	Phase-in Plan for Statewide Family Preservation Services
302.530	Time Frames

## Appendix A Acknowledgement of Mandated Reporter Status (Recodified)

**AUTHORITY:** Implementing and authorized by Section 5 et seq. of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005 et seq.); Section 3-6-2(g) of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, par. 1003-6-2(g)); the Illinois Alcoholism and Dangerous Drug Dependency Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6351-3 et seq.); the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq. (1988 Supp.)); 45 CFR 1356.40 and 1356.41; Section 1-1 et seq. of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1991, ch. 37, pars. 801.1 et seq.); and the Adoption Act (Ill. Rev. Stat. 1991, ch. 40, par. 1501 et seq.).

**SOURCE:** Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 17 Ill. Reg. \_\_\_\_\_, effective December 31, 1992.

## Section 302.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department which is provided to the adoptive parents after the finalization of an adoption.

"Adoption placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal parents.

"Child welfare services" means public social services which are

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT(S)

directed toward the accomplishment of the following purposes:

*protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;*

*preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;*

*restoring to their families children who have been removed, by the provision of services to the child and the families;*

*placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;*

*assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;*

*providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children who are pregnant and unmarried; and*

*providing shelter and independent living services for homeless youth;---Section-5-of-AN-Act-creating-the-Department-of-Children-and-Family-Services;---codifying-its-powers-and-duties;---and repeating-certain-acts-and-sections--therein--named" (Ill. Rev. Stat. 1989, ch. 25, par. 5005); and*

*placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:*

*who are in a foster home; or*

*who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or*

*who are female children who are pregnant, pregnant and*



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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parenting or parenting; or  
who are siblings.

In facilities that provide separate living quarters for children  
18 years of age and older and for children under 18 years of age.  
(Ill. Rev. Stat. 1991, ch. 23, par. 5005)

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Department" as used in this Part, means the Department of Children and Family Services.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from severe physical, mental and emotional harm, and provided with necessary medical care and education as required by law. A parent who has abandoned a child, deserted a child for three months or failed to demonstrate an interest in a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards. In addition, a parent who is addicted to alcohol, or who is a drug addict, as defined in the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 6351-3) and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the child's safety and well-being have been ensured despite the parent's addiction.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Service constellation" means a variety of services provided to a

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT(S)

child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Successor guardianship" means the judicial transfer under Section 802-27, 803-28, 804-25, or 805-29 of the Juvenile Court Act of 1987 of the Department's guardianship duties and responsibilities for a minor to a related or unrelated person whom the child has lived with for a continuous period of a year or more before transfer of guardianship.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 17 Ill. Reg. 274, effective  
December 31, 1992 )

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Archery Season
- 2) CODE CITATION: 17 Ill. Adm. Code 720
- 3) SECTION NUMBERS:  
720.10  
720.40
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11).
- 5) EFFECTIVE DATE OF AMENDMENTS: December 28, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: December 23, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: October 9, 1992, 16 Ill. Reg. 15260
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

The Main Source Note was updated to include the amendments at 16 Ill. Reg. 15442, effective September 28, 1992.

The source notes were updated to "17 Ill. Reg."

In Section 720.40(b), the following changes were made:

Argyle Lake, "through" in the underscored language was removed and a parentheses was added at the end of the paragraph.

Castle Rock, a closing parentheses was added at the end of the paragraph.

Mississippi Palisades, a closing parentheses was added at the end of the paragraph.

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

## DEPARTMENT OF CONSERVATION

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- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was amended to extend season dates.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

PART 720  
THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section  
720.10 Hunting Seasons and Counties Open to Hunting  
720.20 Turkey Permit Requirements  
720.30 Turkey Hunting Regulations  
720.40 Regulations at Various Department-Owned or -Managed Sites  
720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992.

Section 720.10 Hunting Seasons and Counties Open to Hunting

a) Season: Statewide season October 1 through ~~December 31~~ the latest date authorized by the Wildlife Code, but no later than January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.10), closed during firearm deer season, as set out in 17 Ill. Adm. Code 650, except those Department of Conservation (Department or DOC) sites designated below by asterisk, shall be open to archery turkey hunting without regard to firearm deer season. (No firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

b) Open Counties:

Adams	Johnson
Alexander	Knox
Brown	Macoupin
Calhoun	Marion
Carroll	Marshall
Cass	McDonough
Clay	Monroe
Effingham	Ogle

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Payette	Pike
Fulton	Pope
Gallatin	Putnam
Greene	Randolph
Hancock	Rock Island
Hardin	Saline
Henderson	Schuyler
Jackson	Scott
Jersey	Union
Jo Daviess	Washington
	Williamson

(Source: Amended at 17 Ill. Reg. 281, effective December 28, 1992.)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) Statewide regulations shall apply for the following sites:

AMAX Leased Lands

Anderson Lake Conservation Area

Argyle Lake State Park (October 15 through ~~December 31~~ the latest date authorized by the Wildlife Code, but no later than January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.10))

Beaver Dam State Park (2 hunters per day; closed weekends)

Big River State Forest

Carlyle Lake Wildlife Management Area and Corps of Engineers managed land (subimpoundment area closed 3 days prior to and during the duck season)

Castle Rock State Park (November 1 -- ~~December 31~~ through the latest date authorized by the Wildlife Code, but no later than January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.10))

Dog Island Wildlife Management Area

Ferne Clyffe State Park

Fort de Chartres Historic Site

Giant City State Park

Kaskaskia River State Fish and Wildlife Area (south of Highway 154 only)

Kinkaid Lake Fish and Wildlife Area

Mississippi Palisades State Park (season dates - November 1 - ~~December 31~~ through the latest date authorized by the Wildlife Code, but no later than January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.10))

Mississippi River Pool 18 in Henderson County only

Pere Marquette State Park

Pike County Conservation Area Hunting closes November 30 in Area A; Hunting closes December 15 in Area C

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- \* Randolph County Conservation Area
  - Ramsey Lake State Park
  - Rockhouse Creek (Monroe County)
  - Saline County Conservation Area
  - Shawnee National Forest
  - Silcam Springs State Park
  - Site M (in designated areas only; hunting will be allowed on weekends as announced by the Department)
  - \* Stephen A. Forbes State Park
  - Tapley Woods
  - Trail of Tears State Forest
  - Turkey Bluffs Fish and Wildlife Area
  - Union County Public Hunting Area (October 1-15 only)
  - Union County Conservation Area - Firing Line Management Unit only
  - Weinburg-King State Park
  - Witkowski State Wildlife Area
- c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-served sites.
- (Source: Amended at 17 Ill. Reg. 281, effective December 28, 1992)

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Bow and Arrow
- 2) CODE CITATION: 17 Ill. Adm. Code 670
- 3) SECTION NUMBERS: ADOPTED ACTION:  
670.10 Amendments  
670.60 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36).
- 5) EFFECTIVE DATE OF AMENDMENTS: December 28, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: December 23, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: October 9, 1992, Ill. Reg. 15265
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:  
The source notes were updated to "17 Ill. Reg."  
In Section 670.10(b), in the underscored language, "through" was removed.  
In Section 670.60(d), the following changes were made:  
  
Castle Rock, a closing parentheses was added at the end of the paragraph.  
  
Horseshoe Lake, parentheses were added following "2.25)" and "season".  
  
Rice Lake, a parentheses was added at the end of the paragraph.



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Union County, a parentheses was added following "2.25" and the space prior to the parentheses after "season" was removed.

Wayne Fitzgerald, the parentheses after "530" was removed.

In Section 670.60(k), "Clinton Lake", a parentheses was added following "peninsula".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: This rule was amended to extend the season dates.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 670

## WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section  
670.10      Statewide Open Seasons and Counties  
670.20      Statewide Deer Permit Requirements  
670.30      Statewide Legal Bow and Arrow  
670.40      Statewide Deer Hunting Rules  
670.50      Rejection of Application/Revocation of Permits  
670.55      Reporting Harvest  
670.60      Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36).

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired at March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992.

## Section 670.10 Statewide Open Seasons and Counties

- a) All regulations set forth in Chapter 61, Section 2.26 of the Wildlife Code apply in this rule.
- b) For Cook, DuPage, Kane and Lake counties - October 1 through ~~December~~ January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.25).
- c) For all other counties - October 1 through ~~December~~ January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.25), authorized by the Wildlife Code, but no later than January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.25), closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm.

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Code 650, except Department of Conservation (Department or DOC) owned or managed sites designated below by an asterisk shall be open to archery deer hunting without regard to firearm deer season. (No firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

(Source: Amended at 17 Ill. Reg. 286, effective December 28, 1992)

## Section 670.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.

b) The subsections listed below are referred to by number in subsections 670.60(c) through (1). Some of the sites listed in subsections 670.60(c) through (1) have numbers in parenthesis which explain the definitions in this Section which apply to that site.

1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in Section 510.10(c)(3) and must be portable.

2) Only one tree stand is allowed per hunter.

3) Tree stands may be left unattended overnight only during the period from two weeks before through two weeks after the close of archery deer season.

4) Tree stands may be left unattended overnight only during the archery deer season.

5) Tree stands may be left unattended overnight only during the archery deer season. They may not be left overnight for more than four consecutive nights.

6) Tree stands may be left unattended overnight only on Saturday nights during archery deer season.

c) Statewide regulations as provided for in this Section shall apply except as noted in parentheses for the following sites:

## AMAX Leased Lands

Cache River State Natural Area ((1) (2) (4))

Campbell Pond Wildlife Management Area

Carlyle Lake - Carlyle Lake Wildlife Management Area and Corps of Engineers managed lands (except Carlyle Lake Wildlife Management Area in the Subimpoundment Area, hunting closed three days prior to and during the regular waterfowl season).

Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; permit must be returned by February 15; no hunting in dedicated Nature Preserve) ((1))

Dog Island Wildlife Management Area ((1) (2) (4))

\* Eldon Hazlet State Park (North of Allen's Branch and West of Peppenhorst Branch only) ((1) (2) (5))

Kaskaskia River Fish and Wildlife Area (Duza Creek Waterfowl Management Area, a part of this site, closed to hunting three

## DEPARTMENT OF CONSERVATION

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days prior to the regular duck season).

Kidd Lake State Natural Area ((1) (2) (5))

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Areas

Lake Kinkaid Fish & Wildlife Area

\* Lowden-Miller State Forest (hunters must sign in and sign out and report harvest)

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25 and 26 ((1) (3))

Panther Creek Conservation Area ((1) (4))

Pike County Conservation Area (No hunting after November 30 in Area A; no hunting after December 15 in Area C)

Rend Lake Project Lands and Waters

Rockhouse Creek (Monroe County) ((1) (3))

Sandy Ford Conservation Area (LaSalle County)

Sangamon County Conservation Area

Sanganois Conservation Area ((1) (4))

Shawnee National Forest

Teu Mile Creek Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose season only; windshield cards must be displayed on dashboard of vehicle; permits must be returned by February 15; ((1)(3))

Witkowsky State Wildlife Area

d) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Any other variations are given in parentheses for the following sites:

\* Argyle Lake State Park

\* Banner Marsh Fish and Wildlife Area

\* Big Bend Conservation Area

Big River State Forest

Castle Rock State Park (season - November 1 - ~~December-31~~ through the latest date authorized by the Wildlife Code, but no later than January 14 ((11. Rev. Stat. 1991, ch. 61, par. 2.25))

Clinton Lake (Inner Peninsula and Mascoutin Areas Only) (Hunters will apply to site for permit to hunt specific time period within statewide season; permits shall be allocated by drawing held at site; procedures for application and drawing shall be announced by news release; hunters must fill one site specific antlerless permit before being allowed to take an antlered deer)

Crawford County Conservation Area ((1) (3))

Ferne Clyffe State Park ((1) (2) (4))

Port de Chartres Historic Site ((1) (2) (5))

Port Massac State Park ((1) (2) (4))

Franklin Creek State Park

Giant City State Park

Green River State Wildlife Area (Lee County Conservation Area) (closed during permit pheasant season)

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- Horseshoe Lake Conservation Area - Alexander County - Public Goose Hunting Area (October 1-15; reopen with the close of the quota zone goose season through ~~December--31~~ the latest date authorized by the Wildlife Code, but no later than January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.25)); other portions of the Public Hunting Area (open during statewide season) ((1) (2) (4))
- 1-24 Wildlife Management Area ((1) (2) (4))
- Johnson Sauk Trail State Park (October 1 - the day before the upland game season and on Mondays and Tuesdays during the upland game season)
- Jubilee College State Park (closed the 1st weekend - Saturday and Sunday - of October)
- Mackinaw River State Fish and Wildlife Area
- Marseilles Fish and Wildlife Area (no hunting on Friday, Saturday, or Sunday in October; (1) (3))
- Marshall State Fish and Wildlife Area
- Mt. Vernon Propagation Center; only antlerless deer may be taken ((1) (3))
- \* Randolph County Conservation Area ((1) (2) (5))
- \* Red Hills State Park ((1) (3))
- \* Rice Lake (season - the day after the close of the duck season - ~~December--31~~ through the latest date authorized by the Wildlife Code, but no later than January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.25))
- \* Saline County Conservation Area ((1) (3))
- \* Sam Parr Fish and Wildlife Area ((1) (3))
- Shabbona Lake State Park (Indian Road Wildlife Management Area)
- Silver Springs State Park (daily quota posted at site; quota filled on first-come, first-serve basis)
- Tapley Woods State Natural Area
- Trail of Tears State Forest ((1) (2) (4))
- Turkey Bluffs Fish and Wildlife Area ((1) (2) (5))
- Union County Conservation Area - Public Goose Hunting Area (October 1 - 15; reopen with close of quota zone goose season through ~~December--31~~ the latest date authorized by the Wildlife Code, but no later than January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.25)); Firing Line Management Unit (open during statewide season) ((1) (2) (4))
- \* Washington County Conservation Area (closed until 3 p.m. Wednesday - Sunday during pheasant, quail and rabbit season, except during firearm deer season as set out in 17 Ill. Adm. Code 650.10 statewide hours shall apply ((1) (2) (5))
- Wayne Fitzgerald State Recreation Area except closed Wednesday through Sunday during Controlled Pheasant hunting season, see 17 Ill. Adm. Code 5307 ((1) (2) (4))
- Woodford County Conservation Area
- e) Statewide regulations as provided for in this Part shall apply for deer bow hunting except that hunters must check out and report their harvest; any reduced hunting season and/or daily hunting hours if

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required are given in parentheses for the following sites:

- \* Anderson Lake Conservation Area
- Beaver Dam State Park (hunting in designated area; hunting dates October 26 through October 30 - November 2 through November 5 and November 9 through November 13; number of hunters limited to two during each 5-day period; public drawing held at site office)
- Iroquois County Conservation Area (closed Wednesday through Sunday of the permit pheasant season and during the non-permit pheasant season, except that hunting is permitted according to statewide regulations in the 80 acres north and east of Hooper Branch Nature Preserve; (1) (2) (4))
- Pere Marquette State Park (except in designated areas where hunting dates are from October 26 through October 30, November 2 through November 6 and November 9 through November 13); number of hunters limited to 15 during each 5 day period; public drawing held at Site Office ((1) (3))
- Siloam Springs State Park
- Weinberg-King State Park
- f) Statewide regulations as provided for in this Part shall apply and in addition hunters must obtain site permits at the site office or through the mail prior to hunting and must report success immediately after taking deer with additional requirements given in parentheses at the following sites:
- Des Plaines Conservation Area (closed during the site's pheasant hunting season, except open on Mondays and Tuesdays only)
- Kankakee River State Park (Bow deer hunters hunting south of the Kankakee River are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches between the hours of 9:00 a.m. to 3:00 p.m. on those days when pheasant, quail and rabbit hunting is allowed; the area north of the Kankakee River is closed to all hunting after November 30)
- Mississippi Palisades State Park (season November 1--~~December--31~~ through the latest date authorized by the Wildlife Code, but no later than January 14 (Ill. Rev. Stat. 1991, ch. 61, par. 2.25))
- Moraine View State Park (closed Wednesday through Sunday during permit pheasant season ((1) (2) (4))
- Pekin Lake State Fish and Wildlife Area (no hunting south of Big Lick Creek; one deer per hunter per year)
- Rock Cut State Park (1st Monday in November - 2nd Friday in December, closed Thanksgiving Day; hours 1/2 hour before sunrise to 10:00 a.m.)
- Sand Ridge State Forest ((1) (4))
- Spring Lake Conservation Area
- g) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Hunting is prohibited within 200 yards of developed areas such as picnic and camping areas.
- Sangchris Lake Fish and Wildlife Area



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- b) Statewide regulations as provided for in this Part shall apply except that hunting will be permitted on Saturdays and Sundays only as announced by the Department of Conservation at the following site. Hunter quotas shall be announced by public news release. The check station will open at 5:00 a.m. and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out immediately after hunting. Parking is permitted at designated parking areas only ((1) (6)).

## Site "M" Cass County

- i) Statewide regulations as provided for in this Part shall apply, except bow hunting shall be allowed only from 3 days following the close of fishing through ~~statewide-closing-of-archery-deer-season~~ December 31. Hunting hours are from one half hour before sunrise to 12 noon, hunters must check out by 1 p.m. A drawing shall be held at check station 90 minutes before sunrise; hunters must deposit their hunting license at check station before proceeding to the hunting area; hunters must wear IOC issued back patch while hunting. Individuals who have purchased a statewide archery permit are eligible to receive a daily site antlerless only permit, subject to drawing procedures. Hunting is closed on Mondays and Tuesdays.

## Heidecke State Fish and Wildlife Area

- j) Statewide regulations as provided for in this Part shall apply, except bow hunting shall be allowed only on Mondays and Tuesdays, beginning on the Monday prior to the opening of permit pheasant hunting season and closing on the Tuesday following the close of the permit pheasant hunting season in designated areas only. Daily quota filled on first-come, first-serve basis. Hunting hours are from one-half hour before sunrise to 2:00 p.m. except on Christmas day when the area is closed to hunting. Hunters must check out by 3:00 p.m. Hunters must check in, check out, and report deer harvested at the main park entrance gatehouse.

## Chain O'Lakes State Park

- k) Hunters must obtain a free permit from the site office. The permit must be in possession while hunting; failure to report harvest by February 15 shall result in loss of hunting privileges at the site for the following year.

Clinton Lake State Recreation Area (except Mascoutin Area and Inner Peninsula) (Tree stands must be marked with site hunting permit number visible from ground level) ((1) (2) (4))

## Eagle Creek State Park

Fox Ridge State Park ((1) (2) (4)) (season closes December 31)

Hamilton County Conservation Area ((1) (3))

Hidden Springs State Forest ((1) (2) (4))

Lake Shelbyville Eagle Creek Wildlife Management Area

Mermet Conservation Area ((1) (2) (4))

Ramsey Lake State Park ((1) (3))

San Dale Lake Conservation Area

Stephen A. Forbes State Park

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- l) Hunters must obtain free permit from site office; permit must be returned and harvest reported by February 15; failure to return permit shall result in loss of hunting privileges the next season.

## Kickapoo State Park ((1) (2) (4))

Middlefork Fish and Wildlife Area ((1) (2) (4))

- m) Season dates to be announced by public news release; daily quota filled on first-come, first-served basis; only hunters with a filed or unfilled paid archery deer permit are eligible to hunt; hunters are antlerless only; antlerless deer may be tagged with site specific antlerless only permit; antlered deer must be tagged with hunter's paid either-sex statewide permit; hunters must check in and check out at check station; access to designated hunting areas will be allowed by vehicle by parking in designated areas or by boat; those hunters using boats are required to launch at the ramp access only; pre-hunt scouting will be limited to 10 a.m. to 2 p.m. daily from announced first scouting date until the end of the site season, except that no scouting will be permitted during the firearm seasons.

## Newton Lake Fish and Wildlife Area

(Source: Amended at 17 Ill. Reg. 286, effective December 28, 1992)



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- 1) Heading of the Part: Determination Of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) Section Number: Adopted Action:  
2770.100 Amended Section  
2770.105 Amended Section  
2770.110 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 570, 571, 573, 576.1, 576.2, 578.1, 610 and 611.
- 5) Effective Date of the Amendment: December 28, 1992.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain an incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: December 28, 1992.
- 9) Notice of Proposal published in Illinois Register: October 16, 1992 at 16 Ill. Reg. 15625.
- 10) Has JCAR issued a Statement of Objection to these Rules? No.
- 11) Difference between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and purpose of the rules: The proposed amendment to Part 2770 announces the 1993 contribution rates for newly liable employers by classification within their Standard Industrial Code. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing several obsolete subsections and the rates for 1987 as they are no longer needed.

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- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Acting Commissioner  
Illinois Department of Employment Security  
401 South State Street - 2 South  
Chicago, Illinois 60605  
312/793-4240

The full Text of the Adopted Amendments begins on the next page:

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## TITLE 56: LABOR AND EMPLOYMENT

CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

## PART 2770

## DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

## SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

## Section

2770.100 Industrial Classification  
2770.105 Contribution Rate For Non Experience-Rated Employers  
2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

## SUBPART C: ALTERNATIVE BENEFIT WAGE RATIO (Repealed)

2770.150 Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)  
2770.155 Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)  
2770.160 Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)  
2770.165 Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)  
2770.170 Appeals (Repealed)

## SUBPART E: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO SUBSEQUENT EMPLOYER (Repealed)

2770.400 Definitions (Repealed)  
2770.405 Application Of Base Period Wages (Repealed)  
2770.410 Restriction On Benefit Wage Transfers (Repealed)  
2770.415 Benefit Wage Transfer Procedural Requirements (Repealed)  
2770.420 Petition For Hearing (Repealed)

## SUBPART F: BENEFIT WAGE CANCELLATIONS

2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

## 2770.Table A General SIC Classification

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, pars. 570, 571, 573, 576.1, 576.2, 576.3, 578.1, 610 and 611).

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992

## SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

## Section 2770.100 Industrial Classification

a) Each employer subject to the Act shall be assigned an industrial classification number based on its primary activity.

1) Each employer shall be assigned to a major Economic Division based on the first two digits of the industrial classification number:

## Digits Economic Division

01-09	A. Agriculture, Forestry, Fishing
10-14	B. Mining
15-17	C. Construction
20-39	D. Manufacturing
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services
50-51	F. Wholesale Trade
52-59	G. Retail Trade
60-67	H. Finance, Insurance, Real Estate

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- 70-89 I. Services
- 91-97 J. Public Administration
- 99 K. Nonclassifiable Establishments

3)

2) The methodology for the above classifications shall be based upon the Standard Industrial Classification Manual, U. S. Office of Management and Budget (1972), and supplemented by the U.S. Department of Labor, Bureau of Labor Statistics, January 1983, which shall be incorporated and adopted by reference.

3) The general classifications to be used shall be those set forth in Table A.

b) Each employer not eligible for an experience rate and in an Economic Division where the mean average contribution rate for experience rated employers is greater than the rates set forth in Section 2770.105(a)(1) or (2), or (b)(1) or (2), or (3e)(1) or (2), as applicable, shall be notified in writing of its industrial classification and rate of contribution.

c) An industrial classification which is properly assigned pursuant to subsection (a)(2) at the beginning of each calendar year or the date of liability, whichever is later, shall be final and conclusive for rate determination purposes for that entire calendar year.

(Source: Amended at 17 Ill. Reg. 295, effective December 28, 1992.

## Section 2770.105 Contribution Rate For Non Experience-Rated Employers

a) For calendar years 1984, 1985, and 1986, the contribution rate under Section 1506(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the two calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:

- 1) 2.7%, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576.2); or,
- 2) 2.7%, multiplied by the adjusted state experience factor, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576.2); or,

b)

For calendar year 1987, the contribution rate under Section 1506(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:

- 1) 2.7%, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576.2); or,
- 2) 2.7%, multiplied by the adjusted state experience factor, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576.2); or,

3)

The mean average contribution rate of all experience-rated employers within the specific Economic Division, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576.2);

A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience-rated employers in that division and dividing such sum by the number of such employers. Such rate computation shall be made for each of the applicable years (or six-month period), as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience-rated employers made after the date of computation shall not affect the established average rate for the Economic Division.

B)

Experience-rated employers whose liability was terminated on or before July 31 of the calendar year used for the above computation, shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of such employer. In such instances, only the successor rate shall be used.



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3) The mean average contribution rate of all experience-rated employers within the specific Economic Division, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576.2):

A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience-rated employers in that division and dividing such sum by the number of such employers. Such rate computation shall be made for each of the applicable years (or six month period), as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience-rated employers made after the date of computation shall not affect the established average rate for the Economic Division:

B) Experience-rated employers whose liability was terminated on or before July 31 of the calendar year used for the above computation, shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of such employer. In such instances, only the successor rate shall be used:

e) For calendar year 1988, the contribution rate under Section 1500(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:

- 1) 2.7%, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act (Ill. Rev. Stat. 198791, ch. 48, par. 576.3); or,
- 2) 2.7%, multiplied by the adjusted state experience factor, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or,

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3) The mean average contribution rate of all experience-rated employers within the specific Economic Division, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act.

A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience-rated employers in that division and dividing such sum by the number of such employers. Such rate computation shall be made for each of the applicable years as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience-rated employers made after the date of computation shall not affect the established average rate for the Economic Division.

B) Experience-rated employers whose liability was terminated on or before July 31 of the calendar year used in the above computation, shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of such employer. In such instances, only the successor rate shall be used.

db) For calendar year 1989, and each year thereafter, the contribution rate under Section 1500(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:

- 1) 2.7%, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act (Ill. Rev. Stat. 198791, ch. 48, par. 576.3); or,
- 2) 2.7%, multiplied by the adjusted state experience factor, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or,
- 3) The employer's contribution rate calculated pursuant to Sections 1501 to 1507 of the Act

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(Ill. Rev. Stat. 1987<sup>91</sup>, ch. 48, pars. 571 to 577), but only if this employer has had at least 13 consecutive months experience with the risk of unemployment by the June 30 preceding the calendar year for which a rate is being determined, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or,

fd) Appeals from any determinations under Section 2770.100 or 2770.105 shall be taken pursuant to and governed by Section 1509 of the Act.

(Source: Amended at 17 Ill. Reg. 295, effective December 28, 1992.

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

4) The mean average contribution rate of all experience-rated employers within the specific Economic Division, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act.

a) The average contribution rate for each Economic Division, excluding the applicable emergency rate, for calendar year 1987, as determined by the application of Section 2770.105(b)(3) shall be:

A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience-rated employers in that division and dividing such sum by the number of such employers. Such rate computation shall be made for each of the applicable years as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience-rated employers made after the date of computation shall not affect the established average rate for the Economic Division.

Digits	Economic Division	Rate
01-09	A: Agriculture, Forestry, Fishing	3.3%
10-14	B: Mining	3.9%
15-17	C: Construction	4.4%
20-39	D: Manufacturing	3.3%
40-49	E: Transportation, Communication, Electric, Gas, Sanitary Services	3.2%
50-51	F: Wholesale Trade	2.5%
52-59	G: Retail Trade	2.6%
60-67	H: Finance, Insurance, Real Estate	1.6%
70-89	I: Services	2.0%
91-97	J: Public Administration	2.3%
99	K: Nonclassifiable Establishments	2.0%

B) Experience-rated employers whose liability was terminated on or before July 31 of the calendar year used in the above computation, shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of such employer. In such instances, only the successor rate shall be used.

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1988, as determined by the application of Section 2770.105(ea)(3) of this Part shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.4%
10-14	B. Mining	4.6%
15-17	C. Construction	4.5%
20-39	D. Manufacturing	3.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.2%

ec) The mean average contribution rate for each Economic Division, determined pursuant to subsection (a) (3) (A) and (B); or (b) (34) (A) and (B) - (e) (3) (A) - and (B) shall be announced annually by the Director, during the last quarter of the year preceding the applicable year.

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50-51	F.	Wholesale Trade	2.4%
52-59	G.	Retail Trade	2.5%
60-67	H.	Finance, Insurance, Real Estate	1.5%
70-89	I.	Services	1.9%
91-97	J.	Public Administration	2.1%
99	K.	Nonclassifiable Establishments	2.1%

50-51	F.	Wholesale Trade	2.0%
52-59	G.	Retail Trade	2.1%
60-67	H.	Finance, Insurance, Real Estate	1.4%
70-89	I.	Services	1.6%
91-97	J.	Public Administration	2.3%
99	K.	Nonclassifiable Establishments	2.2%

ed) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1989, as determined by the application of Section 2770.105(db) (4) of this Part, shall be:

ed) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1991, as determined by the application of Section 2770.105(db) (4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.4%
10-14	B. Mining	4.8%
15-17	C. Construction	4.2%
20-39	D. Manufacturing	2.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.0%
50-51	F. Wholesale Trade	2.2%
52-59	G. Retail Trade	2.3%
60-67	H. Finance, Insurance, Real Estate	1.4%
70-89	I. Services	1.7%
91-97	J. Public Administration	2.5%
99	K. Nonclassifiable Establishments	1.9%

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.1%
10-14	B. Mining	4.3%
15-17	C. Construction	3.7%
20-39	D. Manufacturing	2.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.5%
50-51	F. Wholesale Trade	1.7%
52-59	G. Retail Trade	1.8%
60-67	H. Finance, Insurance, Real Estate	1.3%
70-89	I. Services	1.5%
91-97	J. Public Administration	2.0%
99	K. Nonclassifiable Establishments	2.1%

ed) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1990, as determined by the application of Section 2770.105(db) (4) of this Part, shall be:

ed) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1992, as determined by the application of Section 2770.105(db) (4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.3%
10-14	B. Mining	4.7%
15-17	C. Construction	4.1%
20-39	D. Manufacturing	2.7%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.8%

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.9%
10-14	B. Mining	3.8%
15-17	C. Construction	3.5%
20-39	D. Manufacturing	2.0%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.3%



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50-51	F.	Wholesale Trade	1.5%
52-59	G.	Retail Trade	1.6%
60-67	H.	Finance, Insurance, Real Estate	1.2%
70-89	I.	Services	1.3%
91-97	J.	Public Administration	1.7%
99	K.	Nonclassifiable Establishments	2.1%

f) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1993, as determined by the application of Section 2770.105(b)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.6%
15-17	C. Construction	3.7%
20-39	D. Manufacturing	2.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.2%
50-51	F. Wholesale Trade	1.6%
52-59	G. Retail Trade	1.4%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.3%
91-97	J. Public Administration	1.5%
99	K. Nonclassifiable Establishments	1.8%

(Source: Amended at 17 Ill. Reg. 295, effective December 28, 1992.

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) Section Number: Adopted Action:  
2765.5 Amended Section  
2765.50 Amended Section  
2765.64 New Section  
2765.66 Amended Section  
2765.70 Repealed, New Section  
2765.74 New Section  
2765.75 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 577, 578, 579, 610, 611 and 750.
- 5) Effective Date of the Amendment: December 28, 1992.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain an incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: December 28, 1992.
- 9) Notice of Proposal published in Illinois Register: July 31, 1992 at 16 Ill. Reg. 12006.
- 10) Has JCAR issued a Statement of Objection to these Rules? No.
- 11) Difference between proposal and final version: In the example in Section 2765.270(a)(3), "a random audit" is changed to "an audit."
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
2765.328	Amended Section	16 Ill. Reg. 15638 (October 16, 1992)

## DEPARTMENT OF EMPLOYMENT SECURITY

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## NOTICE OF ADOPTED AMENDMENT(S)

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2765.329	New Section	16 Ill. Reg. 15638 (October 16, 1992)
2765.330	New Section	16 Ill. Reg. 15638 (October 16, 1992)
2765.333	Amended Section	16 Ill. Reg. 15638 (October 16, 1992)
2765.334	Amended Section	16 Ill. Reg. 15638 (October 16, 1992)
2765.335	Amended Section	16 Ill. Reg. 15638 (October 16, 1992)

- 15) Summary and purpose of the rules: These adopted amendments set forth the conditions under which interest will be waived for a "client" company which failed to report wages because it was under the mistaken belief that the workers in question were the employees of an employee leasing company and the leasing company has reported those wages and paid contributions based on the wages.

Also, occasionally, a small, newly organized nonprofit organization or local governmental entity will be fail to file its Report to Determine Liability as required by 56 Ill. Adm. Code 2760.105. This can result in its later failure to make timely payment of contributions. If these entities had properly filed their initial Reports, they could have elected to make payments in lieu of contributions. However, pursuant to the Act, such elections must be made within a short period after the entity became subject to the Act. As a result of not being able to make such election, the entity would be liable for quarterly contributions even if no claims were filed by its former employees. Under such circumstances, to ease the unbudgeted burden of paying all of the unpaid contributions, the Director will waive interest on such contributions up to sixty days after the date that the entity became aware of its liability under the Act.

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Acting Commissioner  
Illinois Department of Employment Security  
401 South State Street - 2 South  
Chicago, Illinois 60605  
312/793-4240

The full Text of the Adopted Amendments begins on the next page:

PART 2765  
PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

## SUBPART A: GENERAL PROVISIONS

Section	Unemployment Contributions Not Deductible From Wages Definitions
2765.1	2765.1
2765.5	2765.5
2765.10	2765.10
2765.15	2765.15
2765.18	2765.18
2765.20	2765.20
2765.25	2765.25
2765.30	2765.30
2765.35	2765.35
2765.40	2765.40
2765.45	2765.45
2765.50	2765.50
2765.55	2765.55
2765.60	2765.60
2765.63	2765.63
2765.64	2765.64
2765.65	2765.65
2765.66	2765.66
2765.67	2765.67
2765.68	2765.68
2765.69	2765.69
2765.70	2765.70
2765.74	2765.74
2765.75	2765.75
2765.80	2765.80
2765.85	2765.85
2765.90	2765.90

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

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## Appeal And Hearing

## SUBPART B: EXPERIENCE RATING

2765.200 Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its Succession

2765.210 Prohibition On Withdrawal Of Joint Application For Partial Transfer Of Experience Rating Record

2765.220 Determination Of Benefit Wage And Benefit Ratio

2765.225 Requirement For Privy In Order To Have A Predecessor Successor Relationship

2765.228 No Requirement For Continuous Operation In Order For A Predecessor Successor Relationship To Exist

2765.230 Effect Of A Transfer Of Physical Assets On A Finding That A Predecessor Successor Relationship Exists

## SUBPART C: BENEFIT CHARGES

2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act

2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act

2765.328 What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act

2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act

2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act

2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act

2765.335 Procedural Requirements And Right Of Appeal

**AUTHORITY:** Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 577, 578, 579, 610, 611 and 750).

**SOURCE:** Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendments at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended

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at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendments at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992; amended at 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 29, 1992.

## SUBPART A: GENERAL PROVISIONS

## Section 2765.5 Definitions

For the purposes of this Part, the following terms shall have the meaning as defined hereunder:

"Act" means the Unemployment Insurance Act, as amended, (Ill. Rev. Stat. 198591, ch. 48, pars. 300 et seq.);

"Client" means an individual or entity which has contracted with an employee leasing company to supply it with one or more workers to perform services on an on-going rather than a temporary basis;

"Contributing employer" also known as a regular employer, pays contributions at a specified percentage of the taxable wages paid to individuals performing services in covered employment;

"Employee leasing company" means an individual or entity which contracts with a client to supply one or more workers to perform services for the client on an on-going rather than a temporary basis;

"FUTA" means the Federal Unemployment Tax Act, 26 U.S.C. 3301 through 3311;

"Reimbursable employer" is a nonprofit organization as defined in Section 211.2 of the Act or any local governmental entity as determined in Section 211.1 of the Act which elects to make payments in lieu of contributions;



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"Unemployment taxes" are the contributions paid by contributing employers and the payment in lieu of contributions paid by reimbursable employers.

(Source: Amended at 17 Ill. Reg. 308, effective December 28, 1992.

## Section 2765.50 Accrual of Interest

- a) The contributions or payments in lieu of contributions (reimbursements) shall bear interest from the day following the due date of such contributions or reimbursements, up to and including the day payment is made, as shown by the date of the postmark thereon, if mailed; except that, after December 31, 1987, payments received more than 30 days after the due date shall be deemed to have been received on the last day of the month preceding the month in which such payment is received. For example, a payment which was due on April 30, 1988, but received on July 14, 1988, shall be deemed, for the purpose of calculating interest, to have been received on June 30, 1988. Interest accrues at the rate of 1% per month and 1/30 of 1% per day or fraction thereof through December 31, 1981. After 1981, such interest will accrue at the rate of 2% per month, calculated at 12/365 of 2% for each day.

- b) The Director may waive interest for good cause as provided in Sections 2765-65-and-2765-66 this Part.

(Source: Amended at 17 Ill. Reg. 308, effective December 28, 1992.

Section 2765.64 Consequences Where An Employee Leasing Company Has Erroneously Reported Wages And Paid Contributions Which Wages Should Have Been Reported And Contributions Paid By Its Client

Where wages should have been reported and contributions paid by a client, but the wages were erroneously reported and the contributions paid by an employee leasing company, the Director shall, upon the joint request of the client and the employee leasing company, on a form available from the Director, transfer such contributions from the account of the employee leasing company to the account of the client, effective as of the dates that the report was submitted and the contributions paid by the employee leasing company, respectively. As a result, interest shall be due only to the extent that the amount due from the client exceeds the amount paid by the employee leasing company.

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Example: Employee Leasing Company X erroneously reports the wages of certain workers on its Wage Report and pays the contributions due on these wages. It is determined that such wages should have been reported instead by its client, Company Y. The Director shall, upon the joint request of Employee Leasing Company X and Company Y, transfer the payment made by Employee Leasing Company X to the credit of Company Y. The wages reported by the leasing company for Company Y's workers will also be credited to Company Y. As a result, Company Y will only owe any additional contributions due, if any, to the extent that the amount due from it exceeds the amount paid by the employee leasing firm. To the extent that the payment by the employee leasing company was untimely or not sufficient to cover the amount due, interest shall accrue. If the amount paid by the employee leasing company exceeds the amount due from Company Y, Company Y may file a request for an adjustment or a refund of the overpayment to the extent and within the time allowed by Section 2201 of the Act.

(Source: Added at 17 Ill. Reg. 308, effective December 28, 1992.

Section 2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988

- a) The Director shall find good cause for the waiver of all interest, accrued upon unpaid contributions which are due and owing for any period prior to January 1, 1988, if the contributions were based on the payment of wages in employment to an individual where:

- 1) The employer or its predecessor has not treated any individual holding a substantially similar position as an employee for purposes of the Act, or for Federal Unemployment Tax Act (FUTA), Internal Revenue Code or Social Security Act purposes, and;
- 2) The employer's treatment of such individual was in reasonable reliance upon:
  - A) A judicial precedent or an Internal Revenue Service letter ruling for the employer; or,
  - B) A past agency audit of such employer where



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there was no assessment attributable to the treatment of individuals holding positions substantially similar to the position held by such individual; or,

- C) A long-standing industry practice recognized by a significant segment of the industry in which such individual or employer is engaged.

- 3) Example: Pursuant to this subsection, an employer requests a waiver of interest on contributions which were due and owing for the first quarter of 1987. Contributions for the first quarter of 1987 became due and owing on April 30, 1987 but had not been paid because the employer appealed a determination and assessment covering this period. The waiver, if granted, would cover all interest which accrued from May 1, 1987 through the date that payment of the contributions was made. The employer must pay all contributions due for the first quarter of 1987 as a condition precedent to the granting of waiver.

- b) The provisions of Section 2765.704 shall not be applicable to requests for waiver under this Section.

- c) The payment of all contributions assessed, within 30 days from the effective date of this Section or within 30 days from the date that such assessment becomes final, if such date is later, is a condition precedent to an application for waiver (see Section 2765.75) pursuant to this Section.

- 1) Example: During the course of a hearing pursuant to 56 Ill. Adm. Code 2725.200 et seq., the employing unit requests, on the record, that, if the subject assessment is affirmed, in full or in part, it be granted waiver pursuant to this Section. If it is recommended that the assessment be affirmed, in full or in part, the Director's Representative shall also recommend a decision with respect to the request for waiver. If such recommendation is to deny, objections may be filed in the same manner and within the same time limits as set forth in 56 Ill. Adm. Code 2725.275. If the request for waiver is granted, but the contributions assessed are not paid within 30 days

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from the date that the assessment becomes final, then the request for waiver shall be deemed to have been denied as of the date of the decision which had granted the waiver.

- 2) Example: An employer meets the requirements for waiver pursuant to subsection (a) above with respect to wages for services which were the subject of a determination and assessment which became final on February 13, 1988. If this employer has not yet paid this assessment, it has 30 days from the effective date of this rule to pay the contributions due and file its application for waiver.

- 3) Example: An employer meets the requirements for waiver pursuant to subsection (a) with respect to wages for services which are the subject of a determination and assessments which becomes final after the effective date of this rule. This employer has 30 days from the date that this assessment becomes final to pay the contributions due and file its application for waiver.

- d) Notwithstanding any other provisions of this Part, no employer shall be entitled to a refund or credit of any interest paid prior to the adoption of this Section.

(Source: Amended at 17 Ill. Reg. 308, effective December 28, 1992.

## Section 2765.70

Time-For-Paying-Of-Filing-Delayed-Payment-Of-Report-Waiver-Of-Interest-For-Certain-Nonprofit-Organizations-or-Local-Governmental-Entities

In-order-to-obtain-a-waiver-of-all-or-part-of-any-interest-or-penalty,-the-employer-must-(in-addition-to-filing-an-application-for-waiver-as-provided-in-Section-2765.75)-either-make,-except-if-the-ground-for-waiver-is-Section-2765.75(f)-,-the-late-payment-of-all-contributions-due-or-file-the-delayed-report-as-the-case-may-be,-within-30-days-from-the-date-of-the-resolution-of-the-appeal-or-event-relied-upon-as-a-ground-for-waiver.

- a) The Director shall waive interest on any unpaid contributions for a nonprofit organization, as defined in Section 211.2 of the Act, or a local governmental entity, as determined under Section 211.1 of the Act, if:

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- 1) The organization or entity had never filed any of the reports or forms required of it under the Act; and
- 2) No unemployment insurance claims had been filed for which it is determined that the organization or entity was the chargeable employer as that term is used in Section 1502.1 of the Act; and
- 3) The chief operating officer of the organization or entity files an affidavit with the Director in which he states that, upon learning of the organization or entity's liability under the Act, he took immediate action to bring the organization or entity into compliance.

Example: Nonprofit organization A was created in 1985. Because it is not liable under the Federal Unemployment Tax Act (FUTA), it believed that it was not liable for state unemployment insurance contributions. As a result of an audit in 1992, it is determined the organization was liable since 1985 and owes unpaid contributions since 1989. If the organization had never filed any reports or forms required of it under the Act, if it had never been found to be a chargeable employer and if the chief operating officer tenders the appropriate affidavit, any interest on the unpaid contributions will be waived.

- b) Any waiver of interest under this Section shall cover the period up to sixty days after the date that the organization or entity became aware of its liability under the Act. To stop further interest from accruing after that time, the organization or entity must pay the contributions due in full. However, nothing in this Section shall be interpreted as prohibiting an employer from seeking waiver of any additional interest under the other provisions of this Part.

(Source: Section repealed, new Section adopted at 17 Ill. Reg. 308, effective December 28, 1992.

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Section 2765.74 Time For Paying Or Filing Delayed Payment Or Report

In order to obtain a waiver of all or part of any interest or penalty, the employer must (in addition to filing an application for waiver as provided in Section 2765.75) either make, except if the ground for waiver is Section 2765.65(c), the late payment of all contributions due or file the delayed report, as the case may be, within 30 days from the date of the resolution of the occurrence or event relied upon as a ground for waiver.

(Source: Added at 17 Ill. Reg. 308, effective December 28, 1992.

Section 2765.75 Application For Waiver

The employer must file a sworn written application for waiver of the interest or penalty, or both with the Revenue Division, 401 South State Street - 4th Floor, Chicago, Illinois 60605, within the time limits set forth in Section 2765.7974. An application is not complete unless it contains the name and address of the employer, the U.I. account number, the period involved and the good cause applicable. The late payment or missing report, as provided in Section 2765.7974, must accompany the application.

(Source: Amended at 17 Ill. Reg. 308, effective December 28, 1992.





ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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- July 24, 199216 Ill.Reg. 11713
- 10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference between proposal and final version:

Pursuant to memorandum from Administrative Code Division dated July 24, 1992, the Authority made a series of technical and grammatical corrections throughout the rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect?

No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: These rules establish the procedures for operating the program established to distribute funds allocated to the State of Illinois under the federal HOME Act (the "Federal HOME Program"). The HOME Program provides for loans and grants for the purpose of acquiring, constructing, rehabilitating, developing and operating, single family, and multifamily housing for, or providing rental assistance to, low and very low income households and families.

16) Information and questions regarding this adopted rule shall be directed to:

Richard B. Muller, Esq.  
401 N. Michigan Ave., Suite 900  
Chicago, Illinois 60611

The full text of the Adopted Rules begins on the next page:

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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 370

NATIONAL AFFORDABLE HOUSING ACT (HOME) PROGRAM

SUBPART A: GENERAL RULES

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370.101 Authority  
370.102 Purpose and Objectives  
370.103 Definitions  
370.104 Compliance with Federal Law  
370.105 Standards  
370.106 Forms and Procedures for the Program  
370.107 Fees and Charges of the Authority  
370.108 Waiver  
370.109 Amendment  
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SUBPART B: GENERAL PROGRAM REQUIREMENTS

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370.201 Eligible Beneficiaries  
370.202 Eligible Activities  
370.203 Forms of Assistance  
370.204 Minimum Amount of Assistance  
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370.206 New Construction  
370.207 Tenant-Based Rental Assistance  
370.208 Religious Organizations  
370.209 Prohibited Activities  
370.210 Limitations on Recipients Under Court Order  
370.211 Conflict of Interest  
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SUBPART C: APPLICATION

Section  
370.301 Application  
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370.304 Authority Determination  
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SUBPART D: NOTICE

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Section  
370.401  
370.402

Notification by Authority  
Comments and Responses

370.904 Cost of Services

## SUBPART E: OWNER AND RECIPIENT

## SUBPART J: TENANTS AND OCCUPANCY

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Eligible Applicants  
Books and Records  
Audits  
Annual Financial Report  
Furnishing Information  
Standards for Approval of Conveyance  
State Recipients and Subrecipients  
Reviews and Audits

## Section

370.1001 Tenant Selection Plan  
370.1002 Participant Selection Plan  
370.1003 Minimizing Displacement  
370.1004 Relocation Plan  
370.1005 Notice  
370.1006 Temporary Relocation  
370.1007 Permanent Relocation

## SUBPART K: NONDISCRIMINATION

## SUBPART F: CONSTRUCTION

Section  
370.1101 Equal Opportunity and Fair Housing

Section  
370.601  
370.602  
370.603  
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Property Standards  
Lead-Based Paint  
Labor  
Environmental Assessment  
Environmental Barriers

AUTHORITY: Implements Title II of the National Affordable Housing Act of 1990 (P.L. 101-165) and the regulations promulgated thereunder (24 CFR Part 92); authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1991, ch. 67 1/2, pars. 307.19, 307.24(a) and 307.25).

SOURCE: Emergency rules adopted at 16 Ill. Reg. 11889, effective July 14, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 319, effective December 24, 1992.

## SUBPART G: INCOME AFFORDABILITY PROVISIONS

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370.703  
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370.705  
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370.707

Rental Provisions  
Affordability Provisions  
Single Family Projects - Purchase Standards  
Single Family Projects - Rehabilitation Standards  
Mixed Income Projects  
Mixed Use Projects  
Projects With FHA Mortgage Insurance

## SUBPART A: GENERAL RULES

## Section 370.101 Authority

These Rules implement Title II of the National Affordable Housing Act of 1990 (P.L. 101-165) (the federal "HOME Act"). They are authorized by and made pursuant to the Comprehensive Housing Affordability Strategy of the State of Illinois and Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1991, ch. 67 1/2, par. 301 et seq.) and shall govern the Program.

## SUBPART H: COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

Section  
370.801  
370.802

Set-Aside for Community Housing Development Organizations  
Project Specific Assistance to Community Housing Development Organizations

## Section 370.102 Purpose and Objectives

The Governor has designated the Authority as administrator of the funds allocated to the State of Illinois pursuant to the federal HOME Act. This Part is established to accomplish the general purposes of the program established by the State of Illinois to implement the Federal HOME Act, as authorized by and set forth in the Federal HOME Act, and in particular to set forth the standards the Authority will use, as administrator of this Program, to make grants and mortgages or other loans to individuals, organizations and governmental entities for the purpose of acquiring, constructing, rehabilitating,

## SUBPART I: MARKETING

Section  
370.901  
370.902  
370.903

Marketing and Management  
Marketing and Management Plans  
Maintenance

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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developing, operating, insuring and preserving single and multifamily housing for, or providing rental assistance to, low-income families and very low-income families.

## Section 370.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act (Ill. Rev. Stat. 1991, ch. 67 1/2, par. 301 et seq.);

"Adjusted Income": The income of a household, as defined in 24 CFR Section 813.102.

"Annual Income": The anticipated total income from all sources received by a household, including all net income derived from assets for the 12-month period following the effective date of certification of income, as determined under the criteria established in 24 CFR Section 813.106.

"Applicant": A person or entity applying for an allocation of funds from the Program.

"Authority": The Illinois Housing Development Authority.

"CHAS": The Comprehensive Housing Affordability Strategy prepared by the State and approved by HUD, as updated from time to time, that sets forth and documents the housing needs of the State and the State's strategic plan to address those needs.

"Clearinghouse": A State, regional or metropolitan agency designated by the Governor or the Authority, or established by State law, to review and provide notice to appropriate State and local agencies of proposed housing projects.

"Commitment":

For Substantial Rehabilitation, Moderate Rehabilitation or new construction, a written, legally binding agreement between the Authority and the Recipient under which the Authority (or a State Recipient or Subrecipient receiving funds from the Authority) agrees to provide assistance under the Program for an identifiable project that can reasonably be expected to start construction within six months of the agreement, and in which the Recipient agrees to start construction within that period.

For Tenant-Based Rental Assistance, a rental assistance contract between the Authority (or a State Recipient or Subrecipient receiving funds from the Authority) and the owner of a housing unit or the tenant, in accordance with the provisions of Section 92.211 of the Regulations.

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For acquisition, a written legally binding agreement between the Authority (or a State Recipient or Subrecipient receiving funds from the Authority) and the Recipient under which the Authority (or a State Recipient or Subrecipient receiving funds from the Authority) agrees to provide assistance under the Program to the Recipient for purchase of a Project that can reasonably be expected to be accomplished within six months of the agreement and in which the Recipient agrees to purchase the Project within that period.

"Community Housing Development Organization": A private not-for-profit organization that:

Is organized under State or local laws;

Has no part of its net earnings inuring to the benefit of any member, founder, contributor or individual;

Is neither controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization. A Community Housing Development Organization may be sponsored or created by a for-profit entity, but the for-profit entity may not be an entity whose primary purpose is the development or management of housing, such as a builder, developer, or real estate management firm; the for-profit entity may not have the right to appoint more than one-third of the membership of the organization's governing body, and board members appointed by the for-profit entity may not appoint the remaining two-thirds of the board members; and the Community Housing Development Organization must be free to contract for goods and services from vendors of its own choosing;

Has a tax exemption ruling from the Internal Revenue Service under Section 501(c) of the Internal Revenue Code of 1986, as amended;

Does not include a public body (including the Authority) or an instrumentality of a public body. An organization that is State or locally chartered may qualify as a Community Housing Development Organization; however, the State or local government may not have the right to appoint more than one-third of the membership of the organization's governing body and no more than one-third of the board members can be public officials;

Has standards of financial accountability that conform to Attachment F of OMB Circular No. A-110 (Rev.) "Standards for Financial Management Systems";

Has among its purposes the provision of decent housing that is affordable to low-income persons, as evidenced in its charter, articles of incorporation, resolutions or by-laws;

Maintains accountability to low-income community residents by maintaining at least one-third of its governing board's membership for residents of Low-Income Neighborhoods, other low-income community residents, or elected representatives of Low-Income Neighborhood organizations. For urban areas,



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"community" may be a Neighborhood or Neighborhoods, city, county, or metropolitan area; for rural areas, it may be a Neighborhood or Neighborhoods, town, village, county, or multi-county area (but not the entire State), provided the governing board contains low-income residents from each county of the multi-county area; and providing a formal process for low-income Program beneficiaries to advise the organization in its decisions regarding the design, siting, development, and management of affordable housing;

Has a demonstrated capacity for carrying out activities assisted with Program funds. An organization may satisfy this requirement by hiring experienced, accomplished key staff members who have successfully completed similar projects, or a consultant who has the same type of experience and a plan to train appropriate key staff members of the organization; and

Has a history of serving the community within which housing to be assisted with Program funds is to be located. In general, an organization must be able to show one year of serving the community (calculated from the date the Authority provides Program funds to the organization). However, a newly created organization formed by local churches, service organizations or Neighborhood organizations may meet this requirement by demonstrating that its parent organization has at least a year of serving the community.

"Director": The Director of the Authority.

"Displaced Homemaker": An individual who is an adult; has not worked full-time, full-year in the labor force for a number of years but has, during such years, worked without remuneration to care for the home and family; is unemployed or underemployed; and is experiencing difficulty in obtaining or upgrading employment.

"Family": A family as defined in 24.CPR Section 812.2.

"Federal HOME Act": Title II of the National Affordable Housing Act of 1990 (P.L. 101-165).

"Federal HOME Program": The program created under the Federal HOME Act pursuant to which HUD makes funds available to State and local governments and other entities to expand the supply of decent and affordable housing for Low-Income and Very Low-Income Households.

"First-Time Homebuyer": An individual (and if married, his or her spouse) who has not owned a home during the 3-year period before the purchase of a home with Program funds, except that any individual who is a Displaced Homemaker or a Single Parent may not be excluded from consideration as a First-Time Homebuyer under this paragraph on the basis that the individual, while a homemaker or while married,

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respectively, owned a home with his or her spouse or resided in a home owned by the spouse.

"Governor": The Governor of the State.

"Homeownership": Ownership in fee simple title or a 99 year leasehold interest in a one to four-unit dwelling or in a condominium unit, ownership or membership in a cooperative, or an equivalent form of ownership approved by HUD.

"Household": One or more persons occupying a housing unit.

"HUD": The United States Department of Housing and Urban Development.

"Low-Income": An Annual Income that does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

"Low-Income Neighborhood": A Neighborhood in which at least 51 percent of the Households are Low-Income Households.

"Members": The Members of the Authority.

"Moderate Rehabilitation": The rehabilitation of residential property at an average cost of less than \$25,000 per dwelling unit.

"Monthly Adjusted Income": One-twelfth (1/12) of the Adjusted Income.

"Monthly Income": One-twelfth (1/12) of the Annual Income.

"Neighborhood": A geographic location designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation that is within the boundary but does not encompass the entire area of a Unit of General Local Government. If the Unit of General Local Government has a population under 25,000, the neighborhood may, but need not, encompass the entire area of a Unit of General Local Government.

"OMB": The United States Office of Management and Budget.

"Owner": The person or entity holding legal title to a Project, or if title to the real estate in the Project is held by a land trust, the person or entity owning the beneficial interest in that land trust.

"Part": This Part 370.

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"Participant Selection Plan": The plan, approved by the Authority, under which Families and Households will be selected for one or more Projects comprised of single family residences.

"Person With Disabilities": A Household composed of one or more persons, at least one of whom is an adult, who has a disability.

A person is considered to have a disability if the person has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes the person's ability to live independently; and is of such a nature that such ability could be improved by more suitable housing conditions.

A person will also be considered to have a disability if the person has a severe, chronic developmental disability that is attributable to a mental or physical impairment or combination of mental and physical impairments; is manifested before the person attains age 22; is likely to continue indefinitely; results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning mobility, self-direction, capacity for independent living, and economic self-sufficiency; and reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated. Notwithstanding the preceding provisions of this definition, the term "person With Disabilities" includes two or more persons with Disabilities living together, one or more such persons living with another person who is determined to be important to their care or well-being, and the surviving member or members of any Household described in the first sentence of this definition who were living, in the unit assisted with program funds, with the deceased member of the Household at the time of his or her death.

"Program": The program established by the State pursuant to the Federal HOME Act and administered by the Authority in accordance with the provisions of this Part through which Federal HOME Program funds allocated to the State will be reallocated to eligible Recipients.

"Program Description": The document submitted annually to HUD by the Authority setting forth, among other things, the State's description of how it plans to distribute program funds; the amount of program funds that will be reserved for Community Housing Development Organizations; a description of how the State will work with such Community Housing Development Organizations; the Authority's certification regarding use of program funds for new construction; a statement of policies and procedures to be followed to meet the requirements of affirmative marketing and establishing and overseeing a minority and women business outreach program; all certifications

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required under the Regulations; and the Authority's certification of compliance with the CHAS.

"Project": A site or an entire building (including a manufactured housing unit), or two or more buildings, together with the site or sites on which the building or buildings is located, that are under common ownership, management, and financing and are to be assisted with program funds under a commitment by the Recipient, as a single undertaking under this Part. "Project" includes all the activities associated with the site and building. If there is more than one site associated with a Project, the sites must be within a four block area.

"Public Housing Authority (PHA)": Any local entity authorized to engage in and administer HUD low-income housing certificate or voucher programs.

"Recipient": An individual or entity that receives Program funds for or on behalf of a Project from the Authority pursuant to a Commitment.

"Reconstruction": The rebuilding of housing on the same foundation.

"Regulations": The regulations governing the Federal HOME Program, as set forth in 24 CFR Part 92, as amended or supplemented from time to time.

"Rules": The rules and regulations of the Authority, as amended and supplemented from time to time.

"Section 8 Program": The rental assistance program for low-income housing authorized under Section 8 of the Housing Act of 1937.

"Single Parent": An individual who is unmarried or legally separated from a spouse; and has one or more minor children for whom the individual has custody or joint custody; or is pregnant.

"Single Room Occupancy (SRO) Housing": Housing consisting of single room dwelling units each of which is the primary residence of its occupant or occupants. The unit may contain either food preparation facilities or sanitary facilities, or both. SRO Housing does not include facilities for students.

"Staff": The Director and employees of the Authority.

"State": The State of Illinois.

"State Recipient": A Unit of General Local Government designated by the Authority to receive and administer program funds allocated to the Authority by HUD.

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"Subrecipient": A public agency or not-for-profit organization selected by the Authority to receive and administer Program funds allocated to the Authority by HUD. A public agency or not-for-profit organization that receives Program funds solely as a developer or owner of housing is not a Subrecipient.

"Substantial Rehabilitation": The rehabilitation of residential property at an average cost in excess of \$25,000 per dwelling unit.

"Tenant Selection Plan": The plan, approved by the Authority, under which Families and Households will be selected as tenants for a multi-family residential Project.

"Tenant-Based Rental Assistance": A form of rental assistance under which the assisted tenant may move from a dwelling unit and retain his or her right to continued assistance.

"Unit of General Local Government": A city, town, village, township, county or other political subdivision of the State; a consortium of such subdivisions recognized by HUD pursuant to Section 92.101 of the Regulations; or any agency or instrumentality of any of the above jurisdictions that is established pursuant to legislation and designated by the chief executive of such jurisdiction to act on behalf of such jurisdiction with regard to the provisions of this Part. When a county is an Urban County, the Urban County is the Unit of General Local Government for purposes of the Program.

"Urban County": An urban county as defined in 24 CFR Section 570.3.

"Very Low-Income": An Annual Income that does not exceed 50 percent of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

**Section 370.104 Compliance with Federal Law**

Notwithstanding anything to the contrary herein, this Part shall be construed in conformity and in compliance with the Federal HOME Act, the Regulations and other applicable federal law. To the extent that this Part conflicts with the Federal HOME Act or the Regulations, the Federal HOME Act or the Regulations shall prevail.

**Section 370.105 Standards**

In exercising discretion in selecting Projects to receive Program funds, the Authority shall consider, in addition to the criteria set forth in this Part:

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- a) the purpose of the Federal HOME Program to provide affordable, decent, safe and sanitary housing for Low-Income and Very Low-Income Households;
- b) the requirements of applicable State and federal law;
- c) the priorities set forth in the CHAS and the Program Description;
- d) whether the Project is, or is to be, located in a jurisdiction that is not receiving its own allocation of Federal HOME Program funds from HUD;
- e) the support of the local community in which the Project is, or is to be, located;
- f) the need for the type of proposed housing within the local community;
- g) the requirements of local housing codes and zoning laws;
- h) the number and percentage of Very Low-Income Households to be assisted by the Project;
- i) the level of affordability and the duration of affordability restrictions;
- j) the cost per unit of the Project;
- k) the amount of funding the Project will receive from sources other than Program funds;
- l) whether the Project will receive matching funds, as provided in Section 92.218 of the Regulations;
- m) the accessibility or adaptability of the Project for Persons With Disabilities;
- n) whether the Applicant is a not-for-profit organization;
- o) the financial condition and previous experience (including experience in the Program) of the Applicant in providing affordable housing;
- p) whether the proposal includes a commitment for supportive services (e.g., counseling for First-Time Homebuyers, etc.);
- q) the readiness of the Applicant to proceed with the Project;
- r) the financial viability of the Project;
- s) whether the Applicant is requesting a loan rather than a grant; and
- t) any other factors deemed relevant by the Authority under the circumstances.

**Section 370.106 Forms and Procedures for the Program**

The Staff may prepare, use, supplement, and amend such forms, agreements, and other documents, and may establish such procedures, as may be necessary to implement the Program, all as may be prescribed by the Director.

**Section 370.107 Fees and Charges of the Authority**

In connection with the Program, the Authority may establish and collect such fees and charges as may be necessary.

**Section 370.108 Waiver**

By resolution, the Members may waive or vary particular provisions of this Part to conform with the requirements of applicable State or federal law or to



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conform with the written determination of the Authority that the application of such provisions may result in undue hardship or an unreasonable result.

**Section 370.109 Amendment**

This Part may be supplemented, amended, or repealed by the Members from time to time and in such manner as they may determine consistent with this Part, the Act, the Rules, the Federal HOME Act and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

**Section 370.110 Severability**

If any clause, sentence, subsection, Section, or Subpart of this Part be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Part, but shall be confined in its operation to the clause, sentence, subsection, Section, or Subpart thereof as to which such judgment is rendered.

**Section 370.111 Gender and Number**

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

**Section 370.112 Titles and Captions**

Titles and captions of Subparts, Sections, and subsections are used for convenience and reference and shall not be considered a part of the text.

**Section 370.113 Calendar Days**

Days shall mean calendar days. Due dates falling on a Saturday, Sunday, or legal State or federal holiday shall be deemed to fall on the next calendar day that is not a Saturday, Sunday, or a legal State or federal holiday.

## SUBPART B: GENERAL PROGRAM REQUIREMENTS

**Section 370.201 Eligible Beneficiaries**

Program funds may be expended only for the benefit of Low-Income Households and Very Low-Income Households.

**Section 370.202 Eligible Activities**

- a) Program funds may be used to provide incentives to develop and support affordable rental housing and affordable Homeownership through the acquisition (including assistance to First-Time Homebuyers), new construction, Reconstruction, Moderate Rehabilitation or Substantial Rehabilitation of non-luxury housing with suitable amenities, including real property acquisition, site improvement, conversion,

demolition, and other expenses, including financing costs and relocation expenses of any Displaced persons, families, businesses, or organizations; and to provide Tenant-Based Rental Assistance.

- b) Acquisition of vacant land or demolition shall be an eligible activity only with respect to a particular Project intended to provide affordable housing, and for which funds for construction have been committed.

- c) Housing that has received an initial certificate of occupancy or equivalent document within a one-year period before Program funds are committed to the Project is new construction for purposes of this Part. Conversion of an existing structure to affordable housing is rehabilitation, unless the conversion entails adding one or more units beyond the existing walls, in which case the project is new construction for purposes of this Part.

**Section 370.203 Forms of Assistance**

Program funds may be allocated for equity investments, interest-bearing loans or advances, non-interest-bearing loans or advances, interest subsidies consistent with the purposes of this Part, deferred payment loans, grants, or other forms of assistance that the Authority may determine are appropriate, provided that HUD has approved such other form of assistance.

**Section 370.204 Minimum Amount of Assistance**

The minimum amount of Program funds that must be invested in a Project involving rental housing or homeownership is \$1,000 times the number of affordable units in the Project. The minimum amount of Program funds that must be invested in Tenant-Based Rental Assistance is \$1,000 times the average number of Families assisted each year.

**Section 370.205 Eligible Costs**

Program funds may be used to pay the following costs for eligible activities:

- a) Development hard costs. The actual cost of constructing or rehabilitating housing. These costs include the following:
  - 1) For new construction, costs to meet the new construction standards set forth in this Part and the Model Energy Code published by the Council of American Building Officials, as referred to in Section 92.251 of the Regulations; and the cost of funding an initial operating deficit reserve to meet any shortfall in Project income during the period of Project rent-up (not to exceed 18 months), which may only be used to pay operating expenses, reserve for replacement payments, and debt service. Any Program funds placed in an operating deficit reserve that remain unexpended when the reserve terminates shall be returned to the Authority; and
  - 2) For rehabilitation, costs to meet the housing quality standards; set forth in 24 CFR 882.109 or to correct substandard conditions;

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to make essential improvements, including energy-related repairs or improvements, improvements necessary to permit the use by handicapped persons, and the abatement of lead-based paint hazards, as required by Section 370.602 of this Part; and to repair or replace major housing systems in danger of failure; and

3) For both new construction and rehabilitation, costs to demolish existing structures to make improvements to the Project site that are in keeping with improvements of surrounding, standard projects, and costs to make utility connections.

b) Acquisition costs. Costs of acquiring improved or unimproved real property.

c) Related soft costs. Other reasonable and necessary costs incurred by the Recipient and associated with the financing or development (or both) of new construction, rehabilitation, or acquisition of housing assisted with Program funds. These costs include, but are not limited to:

1) Architectural, engineering or related professional services required to prepare plans, drawings, specifications, or work write-ups;

2) Costs to process and settle the financing for a Project, such as private lender origination fees, credit reports, fees for title evidence, fees for recordation and filing of legal documents, building permits, attorneys' fees, private appraisal fees and fees for an independent cost estimate, builders' or developers' fees;

3) Costs of a Project audit that the Authority may require with respect to the development of the Project; and

4) Costs to provide information services such as affirmative marketing and fair housing information to prospective homeowners and tenants, as required by Section 370.902(a) of this Part.

d) Relocation costs. Costs of relocation payments and other relocation assistance for permanently and temporarily relocated individuals, families, businesses, nonprofit organizations and farm operations where assistance is required under Sections 370.1006 and 370.1007 of this Part, or otherwise determined by the Authority to be appropriate.

e) Costs related to Tenant-Based Rental Assistance. The rental assistance payments made to provide Tenant-Based Rental Assistance for a Family or Household.

## Section 370.206 New Construction

a) General. Program funds may be used for new construction if HUD has approved the use of Federal HOME Program funds for new construction in the area of the State in which the Project is to be located.

b) Neighborhood Revitalization. If an area has not received approval for new construction from HUD, Program funds may still be used for new construction of affordable housing in a Neighborhood revitalization program in that area if the new construction meets the criteria set forth in Section 92.209 of the Regulations.

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c) Special needs. Program funds may be used for new construction of affordable housing on the basis of special needs, if:

1) The Applicant demonstrates to the complete satisfaction of the Authority, in its sole discretion, that rehabilitation is not the most cost-effective way to expand the supply of affordable housing for the special need, and the special need cannot be met through rehabilitation of the available housing stock;

2) The Program funds are used for new construction of one or more of the following:

A) Housing for Families of five or more persons;

B) Housing for Persons With Disabilities;

C) Single Room Occupancy Housing;

D) Housing that is necessary to further the desegregation or racial deconcentration of housing within the jurisdiction pursuant to a court-approved settlement agreement, compliance agreement, or voluntary plan approved by HUD if Tenant-Based Rental Assistance is not sufficient to meet the specified need within a reasonable time; and

3) The Authority has determined, on the basis of objective data in the CHAS, that a high priority need for such housing exists in the area in which the proposed Project is to be located, and that there is not a supply of vacant, habitable, public housing units in excess of normal vacancies resulting from turnovers that could meet the specified need.

d) Other restrictions. All new construction shall meet the site and market restrictions set forth in 24 CFR 882.708(c).

## Section 370.207 Tenant-Based Rental Assistance

a) General. Program funds may be used for Tenant-Based Rental Assistance only if:

1) The use of Program funds for Tenant-Based Rental Assistance is an essential element of the CHAS for expanding the supply, affordability and availability of decent, safe, sanitary, and affordable housing, and the Program Description specifies the local market conditions that lead to the choice of this option; and

2) Families to receive such assistance will be selected from the waiting list of a PHA operating within the area in which the proposed assistance is to be given in accordance with the PHA's preferences established pursuant to 24 CFR Section 882.219. Eligible Families currently residing in units that are designated for rehabilitation under the Program may be selected without requiring that the Family be placed on the PHA's Section 8 waiting list. Families so selected may use the Tenant-Based Rental Assistance in the rehabilitated unit or in other qualified housing. The Authority may require the Family to use the Tenant-Based Rental Assistance within the area in which the proposed assistance is to be given, or may permit the Family to

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use the assistance outside such area.

- b) Program operation. A Tenant-Based Rental Assistance program must be operated consistently with the requirements of this Section. The Authority may operate the program itself, or may contract with a PHA or other entity with the capacity to operate the program. The Tenant-Based Rental Assistance may be provided through an assistance contract to an owner of housing that leases a unit to an assisted family, or directly to the family.
- c) Term of rental assistance contract. The term of the rental assistance contract providing assistance with program funds may not exceed 24 months, but may be renewed, subject to the availability of program funds. The term of the rental assistance contract must begin on the first day of the term of the lease. For a rental assistance contract between the Authority and an owner of housing, the term of the contract must terminate on termination of the lease. For a rental assistance contract between the Authority and a family, the term of the contract need not end on termination of the lease, but no payments shall be made after termination of the lease until the family enters into a new lease.
- d) Rent reasonableness. The Authority shall disapprove a lease if the rent is not reasonable, based on rents that are charged for comparable unassisted rental units.
- e) Lease requirements. The lease shall comply with the requirements set forth in Sections 92.253(a) and (b) of the Regulations.
- f) Subsidy.
  - 1) A family shall pay a minimum of 30% of its Monthly Adjusted Income as its contribution to rent. The amount of the monthly assistance that the Authority shall pay to, or on behalf of, a family may not exceed the difference between a rent standard for the unit size established by the Authority and 30 percent of the family's Monthly Adjusted Income.
  - 2) The Authority's rent standard for a unit size shall ordinarily not be less than 80 percent of the published Section 8 Program existing housing fair market rent (in effect when the payment standard amount is adopted) for the unit size, nor more than the fair market rent (in effect when the Authority adopts its rent standard amount) for the unit size. (Community-wide exception rents are maximum gross rents approved by HUD for the Rental Certificate Program pursuant to 24 CFR Section 882.106(a)(3) for a designated municipality, county, or similar locality.) The Authority may approve on a unit-by-unit basis a subsidy based on a rent standard that exceeds that applicable fair market rent by up to 10 percent for 20 percent of units assisted.
- g) Housing quality standards. Housing occupied by a family receiving Tenant-Based Rental Assistance under this Section must meet the performance requirements and acceptability criteria set forth in 24 CFR Section 882.109, except for such variations in acceptability requirements as the Authority may propose and are approved by HUD. Local climatic or geological conditions or local codes are examples of

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situations that justify such variations.

## Section 370.208 Religious Organizations

Program funds shall not be provided to primarily religious organizations, such as churches, for any activity, including secular activities. In addition, program funds may not be used to rehabilitate or construct housing owned by primarily religious organizations or to assist primarily religious organizations in acquiring housing. However, program funds may be used by a secular entity to acquire housing from a primarily religious organization, and a primarily religious entity may transfer title to property to a wholly secular entity and the entity may participate in the program in accordance with the requirements of this Part. The entity may be an existing or newly established entity (which may be an entity established, but not controlled, by the religious organization). The completed project must be used exclusively by the owner entity for secular purposes, and must be available to all persons regardless of religion. In particular, there must be no religious or membership criteria for tenants in the project.

## Section 370.209 Prohibited Activities

Program funds may not be used to:

- a) Defray any administrative cost of a State Recipient, Subrecipient or Recipient. Administrative costs include any cost equivalent to the costs described in 24 CFR Section 570.206 (program administrative costs for the community development block grant program) and project delivery costs, such as new construction and rehabilitation counseling, preparing work specifications, loan processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities applying for or receiving program funds;
- b) Provide a project reserve account for replacements, unanticipated increases in operating costs, or operating subsidies;
- c) Provide Tenant-Based Rental Assistance for the special purposes of the Section 8 program, including the activities specified in 24 CFR Section 791.403(b)(1), or preventing displacement from housing developments assisted with rental rehabilitation grants under 24 CFR Part 511;
- d) Provide nonfederal matching contributions required under any other federal program;
- e) Provide assistance authorized under 24 CFR Part 965 (PHA-Owned or Leased Projects - Maintenance and Operation);
- f) Carry out activities authorized under 24 CFR Part 968 (Public Housing Modernization);
- g) Provide assistance to eligible low-income housing under 24 CFR Part 248 (Prepayment of Low Income Housing Mortgages);
- h) Provide assistance (other than Tenant-Based Rental Assistance or assistance to a first-time homebuyer) to acquire housing previously assisted with program funds during the period of affordability



established by the Authority. However, additional program funds may be committed to a Project up to one year after Project completion, but the amount of program funds in the Project may not exceed the maximum per-unit subsidy amount established under Section 92.211(f) of the Regulations.

**Section 370.210 Limitations on Recipients Under Court Order**

- a) Program funds may not be used to carry out housing remedies or to pay fines, penalties, or costs associated with an action in which a Recipient, State Recipient or Subrecipient has been adjudicated by a federal, State or local court to be in violation of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, or any other federal, State, or local law promoting fair housing or prohibiting discrimination.
- b) Program funds may be used in connection with a settlement that has been entered into in any case where claims of violations described in subsection (a) above have been asserted against a Recipient, State Recipient or Subrecipient, but only to carry out housing remedies that involve eligible activities.

**Section 370.211 Conflict of Interest**

- a) The conflict of interest provisions set forth in 24 CFR 85.36 and OMB Circular A-110 apply to the procurement of services by State Recipients and Subrecipients. In all cases not governed by CFR 85.36 and OMB Circular A-110, the provisions of this Section apply. These cases include the acquisition and disposition of real property and the provision of assistance by State Recipients and Subrecipients, or to individuals, housing developers, and other private entities through eligible activities that authorize such assistance (e.g., rehabilitation of housing).
- b) Conflicts prohibited. No persons described in subsection (c) below who exercise or have exercised any functions or responsibilities with respect to activities assisted with program funds or who are in a position to participate in making decisions or gain inside information with regard to these activities, may obtain a financial interest or benefit from a program-assisted activity, or have an interest in any contract, subcontract or agreement with respect to such activity or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
- c) Persons covered. The conflict of interest provisions of subsection (b) above apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the Authority, or a State Recipient or Subrecipient that is receiving funds allocated to the Authority.
- d) Exceptions to the conflict of interest provisions set forth in this Section may be available upon application to HUD pursuant to Section

92.356 of the Regulations.

**Section 370.212 Debarment Certification**

Any participant in a "lower tier covered transaction," as that term is defined in 24 CFR 24.110, shall certify to the Authority that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in such transaction.

**SUBPART C: APPLICATION**

**Section 370.301 Application**

Applicants seeking monies from the Program shall submit to the Authority a completed application form prescribed by the Authority together with a nonrefundable application fee in the amount of \$250.00.

**Section 370.302 Form**

The Authority shall develop an application form to be used by all Applicants.

**Section 370.303 Review**

Upon receipt of a completed application, the Staff shall determine whether the application meets the requirements of this Part, the Federal HOME Act, the Regulations and the Act. If the Staff determines that the application fails to meet any of these requirements, the Authority shall notify the Applicant in writing within 30 days after receipt of the application by the Authority.

**Section 370.304 Authority Determination**

After reviewing an application pursuant to Section 370.303 of this Part, the Staff shall determine whether the proposed project should be recommended for funding under the Program. The Staff shall present all recommendations to fund proposed Projects to the Members for determination. The Authority shall allocate Program funds only pursuant to a resolution approved by the Members.

**Section 370.305 Commitment**

After approval of an allocation by the Members, the Staff shall prepare and deliver to the Applicant a Commitment that contains the Authority's commitment to allocate Program funds, provided that the Applicant meets the requirements of the Commitment and that program funds are available for the Project.

**SUBPART D: NOTICE**

**Section 370.401 Notification by Authority**

- a) Notice of Allocation. Prior to the presentation of an application to

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the Members, the Authority shall give written notice of the proposed allocation of Program funds to the following persons and agencies:

- 1) The chairman of the county board of the county in which the Project is proposed to be located;
  - 2) The mayor or other chief executive of the municipality in which the Project is proposed to be located;
  - 3) In municipalities with a population of more than 1.5 million, the alderman of the ward in which the Project is proposed to be located;
  - 4) Appropriate Clearinghouses; and
  - 5) Each member of the General Assembly from the legislative district in which the Project is proposed to be located.
- If the application does not request Program funds for a specific Project, the notice will be sent to the appropriate persons and agencies based on the address of the Applicant.
- b) Forms. Notice under this Section shall be made on forms prepared by the Authority.
  - c) Contents. The notice shall set forth the name and address of the Applicant; the estimated amount of the proposed allocation; if applicable, the name and address of the proposed Project; the type of any proposed subsidies; the total number of units; and the type of Project (e.g., elderly, family, or handicapped).

**Section 370.402 Comments and Responses**

- a) Comments. The persons and agencies receiving notice pursuant to Section 370.401 of this Part shall have 30 days from the date of mailing to submit written comments to the Authority and the Applicant.
- b) Applicant's Response. The Applicant shall respond in writing to all comments received under Section 370.401 of this Part, as well as to any other written comments received by the Applicant, and shall provide copies of all comments and responses to the Authority.
- c) Consideration of Comments. The Members shall consider all comments received pursuant to Section 370.401 of this Part when making their determination.

## SUBPART E: OWNER AND RECIPIENT

**Section 370.501 Eligible Applicants**

The Authority may make Program funds available to Applicants or their designees eligible under this Part and the Regulations.

**Section 370.502 Books and Records**

The books and records of the Project, the Recipient or the Owner, if different from the Recipient, shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires for the purpose of determining compliance with

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this Part, the Act, the Federal HOME Act and the Regulations, and all contracts and agreements relating to the Program. The books and records of the Recipient or the Owner, if different from the Recipient, if separate from the books and records of the Project, shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires.

**Section 370.503 Audits**

The architectural plans and specifications, apparatuses, devices, books and records, contracts, documents, and other papers relating thereto of the Project shall at all times be maintained in reasonable conditions for proper audit and shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires. All audits, certifications, and financial reports that the Owner and Recipient are required by contract with the Authority to allow, undertake, or prepare shall be made by an independent certified public accountant acceptable to the Authority.

**Section 370.504 Annual Financial Report**

Within sixty days after the end of the calendar year, the Recipient and the Owner, if different from the Recipient, shall furnish the Authority with a complete annual financial report based upon the books and records of the Project, the Owner and the Recipient, prepared in accordance with Authority requirements, and certified by the Owner and the Recipient.

**Section 370.505 Furnishing Information**

The Recipient and the Owner, if different from the Recipient, shall furnish such reports, projects, certifications, analyses, budgets, operating reports and tax returns as required by applicable Federal or State statutes, regulations, or subsidy or assistance programs or by the Authority, and shall furnish specific answers to the Authority's questions about the Owner's and the Recipient's income, assets, liabilities, and contracts and, if applicable, about the administration, operation, maintenance, occupancy, financial soundness, and physical condition of the Project.

**Section 370.506 Standards for Approval of Conveyance**

In determining whether to approve, or impose restrictions on, the conveyance, assignment, leasing, mortgaging, pledging or other transfer of the Project (other than such restrictions as may be imposed by the Federal HOME Act and the Regulations) and, if applicable, the beneficial interest in and power of direction over a land trust, or any partnership interest or stock ownership interest in the beneficiary of a land trust, the Authority shall grant such approval, with any necessary restrictions, if the Authority determines that such action will not have any adverse impact upon the financial stability of the Project.

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**Section 370.507 State Recipients and Subrecipients**

State Recipients and Subrecipients shall use Program funds allocated to them in compliance with the Act, this Part, the Regulations and other applicable State and federal law.

**Section 370.508 Reviews and Audits**

State Recipients and Subrecipients that have been allocated Program funds shall cooperate with such audits and reviews as the Authority may require to determine whether Program funds allocated to them have been used in compliance with this Part, the Regulations and applicable State and federal law.

## SUBPART F: CONSTRUCTION

**Section 370.601 Property Standards**

Housing that is assisted with Program funds must meet the Section 8 Program housing quality standards set forth at 24 CFR Section 882.109; all applicable federal, State and local statutes, regulations, ordinances, standards and codes; and the requirements of Authority contracts, agreements, guides and other documents. Housing that is newly constructed must meet the current edition of the Model Energy Code published by the Council of American Building Officials. Housing that is Substantial Rehabilitation must meet the cost-effective energy conservation and effectiveness standards in 24 CFR Part 39. Housing for Homeownership that is to be rehabilitated after transfer of the ownership interest must be free from any defects that pose a danger to health or safety before transfer of the ownership interest, and must meet the applicable property standards not later than 2 years after the transfer.

**Section 370.602 Lead-Based Paint**

All Projects receiving Program funds shall be subject to the lead-based paint regulations set forth in 24 CFR Part 35. Each Owner or Recipient shall conduct the inspection and abatement activities described in those regulations.

**Section 370.603 Labor**

- a) General. Any contract for the construction (rehabilitation or new construction) of affordable housing with 12 or more units assisted with Program funds shall contain a provision requiring that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a-5), will be paid to all laborers and mechanics employed in the development of the affordable housing involved. Such contracts shall also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (42 CFR 327-333).
- b) Volunteers. The prevailing wage provisions of subsection (a) above do not apply to an individual who receives no compensation or is paid

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expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and who is not otherwise employed at any time in the construction work.

- c) Sweat equity. The prevailing wage provisions of subsection (a) above do not apply to members of an eligible Family who provide labor in exchange for acquisition of a property for Homeownership or provide labor in lieu of, or as a supplement to, rent payments.

**Section 370.604 Environmental Assessment**

Environmental Assessment. Prior to the making of a loan under the Program that is to be secured by a first mortgage lien on a Project (other than a single family Project), the Applicant shall have an environmental assessment review of the proposed Project undertaken by an environmental consultant approved by the Authority. The environmental assessment shall include, but not be limited to, a review of historic activities on and current conditions of the real estate that identifies potential problem areas. If the environmental assessment discloses the presence of any hazardous substance, as described at Section 101(4) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601(14)), as amended from time to time, the Applicant shall conduct a more comprehensive environmental assessment by an environmental consultant approved by the Authority. This assessment may include, but is not limited to, sampling, lab analysis and an estimate of the magnitude of environmental problems, as well as costs involved in site cleanup. The Applicant shall pay the costs of such assessments, and such costs may, at the sole discretion of the Authority, be payable out of loan proceeds for the Project.

**Section 370.605 Environmental Barriers**

All Projects receiving assistance from the Program for construction and rehabilitation shall comply with the provisions of the Environmental Barriers Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 3711 et seq.), and the Illinois Accessibility Code (71 Ill. Adm. Code 400), as amended from time to time; and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the applicable regulations, both as amended from time to time.

## SUBPART G: INCOME AFFORDABILITY PROVISIONS

**Section 370.701 Rental Provisions**

- a) Rent Limitation. A Project composed of rental housing (including the non-owner-occupied units in housing purchased with Program funds under Section 370.703 of this Part) qualifies as affordable housing only if the Project bears rents not greater than the lesser of:
  - 1) The fair market rent for existing housing for comparable units in the area as established by HUD under 24 CFR Section 888.111, less the monthly allowance for the utilities and services (excluding telephone) to be paid by the tenant; or



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- 2) A rent that does not exceed 30 percent of the Monthly Income of a family whose gross income equals 65 percent of the median income for the area, as determined by HUD, with adjustment for smaller and larger families, unless HUD establishes higher or lower income ceilings on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. In determining the maximum monthly rent that may be charged for a unit that is subject to this limitation, the Owner must subtract a monthly allowance for any utilities and services (excluding telephone) to be paid by the tenant.
- b) Rent schedule and utility allowances. The Authority shall review and approve rents proposed by the Owner for units with "flat rents," i.e., units subject to the maximum rent limitations in subsections (a)(1) or (a)(2) above, or Section 370.702(b)(2) of this Part and, if applicable, must review and approve, for all units subject to the maximum rent limitations of subsection (a) above, the monthly allowances proposed by the Owner for utilities and services to be paid by the Family. The Owner shall reexamine the income of each Family living in Low-Income or Very Low-Income units at least annually. The Owner shall recalculate the maximum monthly rent annually and may change such maximum rent as changes in the applicable gross rent amounts, the income adjustments, or the monthly allowance for utilities and services warrant. Any increases in rents for Low-Income or Very Low-Income units are subject to the provisions of outstanding leases, and in any event, the Owner must provide tenants of those units not less than 30 days prior written notice before implementing any increase in rents.
- c) Increases in tenant income. Rental housing qualifies as affordable housing, despite a temporary noncompliance with Section 370.702(a) and (b) of this Part, if the noncompliance is caused by increases in the incomes of existing Families and if actions satisfactory to the Authority are being taken to ensure that all vacancies are filled in accordance with this Section until the noncompliance is corrected. Families that no longer qualify as Low-Income Families must pay as rent not less than 30 percent of the Family's Adjusted Monthly Income, as recertified annually.
- d) Adjustment of rent. The Authority may adjust the rent established for a Project under subsection (a) above only if the Authority finds that an adjustment is necessary to support the continued financial viability of the Project and only by an amount that the Authority determines is necessary to maintain continued financial viability of the Project. Any such adjustment shall not be effective until approved by HUD.

## Section 370.702 Affordability Provisions

A Project composed of rental housing (including the non-owner-occupied units in housing purchased with Program funds under Section 370.703 of this Part)

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- qualifies as affordable housing only if the Project:
- a) is occupied only by Households that qualify as Low-Income Families;
- b) Has not less than 20 percent of the units:
- 1) Occupied by Very Low-Income Families who pay as a contribution toward rent (excluding any federal or State rental subsidy provided on behalf of the family) not more than 30 percent of the Family's Monthly Adjusted Income. To obtain the maximum monthly rent that may be charged for a unit that is subject to this limitation, the Owner multiplies the Annual Adjusted Income of the Family by 30 percent and divides by 12 and, if applicable, subtracts a monthly allowance for any utilities and services (excluding telephone) to be paid by the Family; or
  - 2) Occupied by Very Low-Income Families and bearing rents not greater than 30 percent of the gross income of a family whose income equals 50 percent of the median income for the area, as determined by HUD, with adjustment for smaller and larger families, unless HUD establishes higher or lower income ceilings on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. In determining the maximum monthly rent that may be charged for a unit that is subject to this limitation, the Owner must subtract a monthly allowance for any utilities and services (excluding telephone) to be paid by the Family.
- c) Is not refused for leasing to a holder of a certificate of family participation under 24 CFR Part 882 (Rental Certificate Program) or a rental voucher under 24 CFR Part 887 (Rental Voucher Program) or to the holder of a comparable document evidencing participation in a Federal HOME Program Tenant-Based Rental Assistance program because of the status of the prospective tenant as a holder of such certificate of family participation, rental voucher, or comparable Federal HOME Program Tenant-Based Rental Assistance document; and
- d) Will remain affordable, pursuant to deed restrictions, for not less than the appropriate period, beginning after Project completion, as specified in the following table, without regard to the term of the mortgage or to transfer of ownership;

Activity: Minimum Period of Affordability:

Rehabilitation or Acquisition of Existing Housing Per Unit Amount of Program Funds:

Under \$15,000	5 Years
\$15,000 to \$40,000	10 Years

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Over \$40,000 15 Years

New Construction or  
Acquisition of Newly  
Constructed Housing

20 Years

Section 370.703 Single Family Projects - Purchase Standards

A single family Project qualifies for purchase through the Program only if it:

- a) Has an appraised value that does not exceed the mortgage limit for the type of single family housing (1 to 4-family residence, condominium unit, combination manufactured home and lot, or manufactured home lot) for the area (including any applicable high-cost mortgage limit) published by HUD in the Federal Register) under HUD's single family insuring authority under the National Housing Act. For a cooperative unit, the purchase price for a cooperative share may not exceed the balance remaining after subtracting from the 1-family mortgage limit an amount equal to the blanket mortgage covering the cooperative development which is attributable to this cooperative unit; and has an estimated appraised value after any repair needed to meet the property standards set forth in Section 370.601 of this part that does not exceed the appropriate mortgage limit described in this subsection;
- b) Is the principal residence of an Owner whose family qualifies as a Low-Income Family at the time of purchase;
- c) Is made available for initial purchase only to First-Time Homebuyers; and
- d) Is made available for subsequent purchase only to a Low-Income Family that will use the property as its principal residence; and at a price consistent with guidelines that are established by the Authority and determined by HUD to be appropriate to provide the Owner with a fair return on investment, including any improvements, and to ensure that the housing will remain affordable to a reasonable range of Low-Income Homebuyers for a period of 20 years for newly constructed housing, or otherwise for 15 years. Housing remains affordable if the subsequent purchaser's monthly payments of principal, interest, taxes, and insurance do not exceed 30 percent of the gross income of a family with an income equal to 75 percent of median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Section 370.704 Single Family Projects - Rehabilitation Standards

Single family housing that is currently owned by a Family qualifies for rehabilitation under the Program only if:

- a) The value of the property, after rehabilitation, does not exceed the mortgage limit for the type of single family housing (1 to 4-family residence, condominium unit, combination manufactured home and lot, or manufactured home lot) for the area (including any applicable high-cost mortgage limit published by HUD in the Federal Register) under HUD's single family insuring authority under the National

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Housing Act (see, 24 CFR 201.10, 203.18, 203.18a, 203.18b, and 234.27); and

- b) The housing is the principal residence of a Family that qualifies as a Low-Income Family at the time Program funds are committed to the housing.

Section 370.705 Mixed Income Projects

Housing that accounts for less than 100 percent of the dwelling units in a Project qualifies as affordable housing if the housing meets the criteria of Section 370.701 or 370.702 of this Part. Each building in the Project must contain housing that meets the requirements of Section 370.701 or 370.702 of this Part.

Section 370.706 Mixed Use Projects

Housing in a Project that is designed in part for uses other than residential use qualifies as affordable housing if such residential housing meets the criteria of Sections 370.701, 370.702 or 370.703 of this Part, as applicable. A Project that contains, in addition to dwelling units, laundry and community facilities for the exclusive use of the Project residents and their guests, does not constitute a Project that is designed in part for uses other than residential use. Residential living space must constitute at least 51 percent of the Project space. Each building within the Project must contain residential living space.

Section 370.707 Projects With FHA Mortgage Insurance

When Program funds are to be used in connection with housing in which acquisition, new construction, or rehabilitation is financed with a mortgage insured by HUD, then, for rental housing, the period that the Project must remain affordable for the applicable period specified in Section 370.702(d) of this Part, or, for homeownership, the applicable period specified in Section 370.703(d) of this Part, must be equal to the term of the HUD-insured mortgage.

SUBPART H: COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

Section 370.801 Set-Aside for Community Housing Development Organizations

- a) For a period of 18 months after the Federal HOME Program funds allocated to the Authority (including funds reallocated under Section 92.451(c)(2)(ii) of the Regulations) are made available to the Authority, the Authority shall reserve not less than 15 percent of these funds for investment only in housing to be developed, sponsored, or owned by Community Housing Development Organizations. Such funds shall be provided to Community Housing Development Organizations. The funds shall be deemed reserved when the Authority enters into a written agreement with a Community Housing Development Organization. If a Community Housing Development Organization's involvement in a

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- Project is as an owner, it must have control of the Project, as evidenced by legal title or a valid contract of sale. If it owns the Project in partnership, it or its wholly owned for-profit subsidiary must be the managing general partner. In acting in any of the capacities specified, the Community Housing Development Organization must have effective management control.
- b) Program funds reserved under subsection (a) above may be used for the activities set forth in Section 370.202 of this Part. Up to 10% of the program funds reserved under subsection (a) above may be used for activities specified in Section 370.802 of this Part.

### Section 370.802 Project Specific Assistance to Community Housing Development Organizations

- a) Technical assistance and site control loans.
- 1) Loans. Within the limits specified in Section 370.801(b) of this Part, the Authority may use program funds to provide technical assistance and site control loans to Community Housing Development Organizations in the early stages of site development for an eligible Project. These loans may not exceed amounts that the Authority determines to be customary and reasonable. Project preparation costs allowable under subsection (b) below. All costs must be related to a specific eligible Project or Projects.
- 2) Allowable expenses. A loan under this subsection may be provided to cover Project expenses necessary to determine Project feasibility (including costs of an initial feasibility study, consulting fees, costs of preliminary financial applications, legal fees, architectural fees, engineering fees, engagement of a development team, site control and title clearance). General operational expenses of the Community Housing Development Organization are not allowable expenses.
- 3) Repayment. A Community Housing Development Organization that receives a loan under this subsection shall repay the loan to the Authority from construction loan proceeds or other Project income. The Authority may waive repayment of the loan, in part or in whole, if there are impediments to Project development that the Authority determines are reasonably beyond the control of the Community Housing Development Organization.
- b) Project-specific seed money loans.
- 1) General. Within the limits specified in subsection (a) above, Program funds may be used to provide loans to Community Housing Development Organizations to cover preconstruction Project costs that the Authority determines to be customary and reasonable, including, but not limited to, the costs of obtaining firm construction loan commitments, architectural plans and specifications, zoning approvals, engineering studies, and legal fees.
- 2) Eligible sponsors. A loan under this subsection may be provided only to a Community Housing Development Organization that has,

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with respect to the Project concerned, site control (evidenced by a deed, a sales contract, or an option contract to buy the property), a preliminary financial commitment, and a capable development team, as determined in the sole discretion of the Authority.

- 3) Repayment. A Community Housing Development Organization that receives a loan under this subsection must repay the loan to the Authority from construction loan proceeds or other Project income. The Authority may waive repayment of the loan, in whole or in part, if there are impediments to Project development that the Authority determines are reasonably beyond the control of the Community Housing Development Organization.

## SUBPART I: MARKETING

### Section 370.901 Marketing and Management

- a) The Owner or the Recipient, as applicable, shall be responsible to provide for the marketing and management of the Project in a manner satisfactory to the Authority so as to promote the purposes of the Program and the financial stability of the Project and to preserve the value of any security interest held by the Authority in the Project. All marketing and management plans shall be acceptable to the Authority pursuant to Section 370.902 of this Part.
- b) State Recipients and Subrecipients shall require all recipients of Program funds allocated to such State Recipients or Subrecipients to comply with the affirmative fair marketing requirements of Section 370.902 of this Part.

### Section 370.902 Marketing and Management Plans

- a) Approval. Before the Authority makes a loan under the Program or at such other time as required by the Authority, the Applicant shall submit for the Authority's approval plans for the marketing and management of the Project. In deciding whether to approve such plans, the Authority shall consider the purposes of the Program; the provisions of the Tenant Selection Plan or Participant Selection Plan; the provisions of this Part and the Regulations; any applicable federal and State statutes and regulations; the affirmative fair marketing requirements of subsection (b) below; and any other relevant matters.
- b) Contents of Marketing Plan. The marketing plan shall set forth the policies and procedures to be used in marketing; the qualifications of the marketing agent; the nature of the market; the dates of availability of occupiable units by type and location; the dates of availability and locations of facilities essential to the marketing campaign, including model units, the rental office, and the community building; the promotion of the Project, including the use of mass media; compliance with all fair housing requirements set forth in



Section 370.1101 of this Part; and the requirements of the Regulations.

- c) Contents of Management Plan. The management plan shall set forth the policies and procedures to be used in the management of the Project and shall, if applicable, address the qualifications of the managing agent, procedures for recruiting and supervising management personnel, and physical maintenance of the Project.
- d) Responsibility. The Owner or Recipient shall be responsible for ensuring the marketing agent's and the managing agent's compliance with all applicable ordinances, regulations, statutes, and Authority's agreements and requirements.

#### **Section 370.903 Maintenance**

The Owner shall maintain the Project, including without limitation, the dwelling units, commercial facilities, and grounds and equipment related to the Project, in a decent, safe and sanitary condition, in a tenantable and rentable state of repair, and in compliance with applicable federal, State, and local statutes, regulations, ordinances, standards and codes.

#### **Section 370.904 Cost of Services**

The Owner or Recipient, as applicable, shall not pay more for administrative, operating, and maintenance expenses than is reasonable, given the location and size of the Project; the level of administration, operation, and maintenance required by the applicable Authority agreements; the requirements of the marketing plan, management plan, and Participant Selection Plan or Tenant Selection Plan, as applicable; the uniqueness or quality of available services or supplies; the presence of an emergency or other time constraint; the credit worthiness of suppliers and contractors; and any other relevant factors.

#### **SUBPART J: TENANTS AND OCCUPANCY**

#### **Section 370.1001 Tenant Selection Plan**

Before making a loan, grant or any other allocation under the Program for a rental housing Project, the Authority shall approve a Tenant Selection Plan submitted by the Applicant. The Tenant Selection Plan shall include policies and criteria that:

- a) Are consistent with the purpose of providing housing for Very Low-Income and Low-Income Families;
- b) Are reasonably related to Program eligibility and the prospective tenant's ability to perform the obligations of the lease;
- c) Give reasonable consideration to the housing needs of families that would have a preference under 24 CFR Section 960.211 (federal selection preferences for admission to public housing); and
- d) Provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable; and the prompt written notification to any rejected

applicant of the grounds for any rejection.

#### **Section 370.1002 Participant Selection Plan**

Before making a loan, grant or any other allocation under the Program for a Project or series of Projects for single families with five or more units assisted with Program funds, the Authority shall approve a Participant Selection Plan submitted by the Applicant setting forth the income limits and other requirements for participants in such single family Projects, unless such a Participant Selection Plan is inappropriate for the type of Project or Projects proposed. In reviewing the Participant Selection Plan, the Authority shall consider whether the selection procedures will be equitable considering the purpose of providing housing to Very Low-Income and Low-Income Families and the family size, income and circumstances of the prospective tenants; maintain the financial viability of the Project; and meet the requirements of Section 370.1101 of this Part.

#### **Section 370.1003 Minimizing Displacement**

The Owner or Recipient, as applicable, shall take all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a Project assisted with Program funds. To the extent feasible, residential tenants must be provided a reasonable opportunity to lease and occupy a suitable, decent, safe, sanitary and affordable dwelling unit in the Project. Owners or Recipients shall not cause the permanent displacement of any tenants in a Project that receives Program funds for rehabilitation, except as provided in Section 370.1007 of this Part.

#### **Section 370.1004 Relocation Plan**

If persons must be displaced as a result of a Project, the Recipient shall submit to the Authority for approval a relocation plan, consistent with Sections 370.1006 and 370.1007 of this Part, setting forth the number of persons to be relocated, the steps taken to minimize displacement, and the procedures to be followed in relocating such tenants.

#### **Section 370.1005 Notice**

The Recipient or the Owner, if different from the Recipient, shall give notice to all persons potentially subject to relocation at the earliest feasible opportunity. Such notice shall include, but not be limited to, an explanation that the Project has been proposed; for each person receiving the notice, a statement as to whether such person is expected to be displaced; a statement cautioning the person not to move prematurely; a statement of the general terms for continued occupancy or, if the person may be displaced, the relocation assistance available; and, if displacement is possible, an enclosure providing additional information about relocation assistance.

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**Section 370.1006 Temporary Relocation**

The Owner or Recipient, as applicable, shall provide all residential tenants who must relocate temporarily in connection with a Project reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied housing and any increase in monthly rent/utility costs; and appropriate advisory services, including reasonable advance written notice of the date and approximate duration of the temporary relocation; the location of the suitable, decent, safe and sanitary dwelling to be made available for the temporary period; the terms and conditions under which the tenant may lease and occupy a suitable, decent, safe and sanitary dwelling in the building/complex upon completion of the Project; and the provisions for reimbursement for expenses set forth in this Section.

**Section 370.1007 Permanent Relocation**

a) Definition. For purposes of this Section, the term "displaced person" means a person (family or member of a family, business, nonprofit organization or farm, including any corporation, partnership or association) that moves from real property or moves personal property from real property permanently as a direct result of the acquisition, rehabilitation or demolition of housing units for a Project assisted with Program funds. This includes any permanent, involuntary move from a Project, including any permanent move from the real property that is made:

- 1) After notice by the Owner to move permanently from the property, if the move occurs on or after the date of the submission of an application to the Authority, if the applicant has site control and the application is later approved; or the date the Authority approves the applicable site, if the Applicant does not have site control at the time of the application; or
- 2) Before the date described in subsection (a)(1) above, if the Authority or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the Project; or
- 3) By a tenant-occupant of a dwelling unit, if any of the following three situations occurs:
  - A) The tenant moves after execution of the agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the Project under reasonable terms and conditions. Such reasonable terms and conditions must include a term of at least one year at a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement and estimated average monthly utility

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costs, or the total tenant payment, as determined under 24 CFR 813.107, if the tenant is Low-Income, or 30 percent of gross family income, if the tenant is not Low-Income; or

B) The tenant is required to relocate temporarily, does not return to the building/complex, and either the tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable; or

C) The tenant is required to move to another dwelling unit in the same building but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

b) Disqualified Persons. Notwithstanding anything to the contrary in subsection (a) above, a person does not qualify as a displaced person if:

- 1) The person has been evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State or local law, or other good cause, and the Authority determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance. The effective date of any termination or refusal to renew must be preceded by at least 30 days advance written notice to the tenant specifying the grounds for the action;
  - 2) The person moved into the property after the submission of the application, but before signing a lease and commencing occupancy, as provided written notice of the Project, as provided in Section 370.1005 of this Part, its possible impact on the person (e.g., the person may be displaced, temporarily relocated, incur a rent increase) and the fact that the person would not qualify as a "displaced person" (or for any assistance under this Section) as a result of the Project;
  - 3) The person is ineligible under 49 CFR 24.2(g)(2); or
  - 4) HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition of the Project. The Authority may, at any time, ask HUD to determine whether a displacement is or would be covered by this Section.
- c) Appeals. A person who disagrees with the Authority's determination concerning whether he or she qualifies as a displaced person, or the amount of relocation assistance for which the person may be eligible, may file a written appeal of that determination with the Authority.
- 1) The grievant shall file the appeal with the Authority within thirty days of the adverse decision. The Authority shall review the appeal within 10 working days of this receipt. The person conducting the review shall not be the person who made the initial decision.
  - 2) The Authority shall provide the grievant with a written response

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to the appeal within 15 working days of receipt of the appeal. The notice shall include a statement that if the grievant is dissatisfied with the Authority's decision and is a Low-Income person, he or she has the right to submit a written request for review of that determination to the Chicago regional office of HUD.

- d) Relocation assistance for displaced persons. The Owner or Recipient, as applicable, shall provide displaced persons with relocation assistance at the levels described in, and in accordance with, the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4201-4655), as amended from time to time, and the applicable regulations. A displaced person must be advised of his or her rights under the Fair Housing Act (42 U.S.C. 3601-19), and if the comparable replacement dwelling used to establish the amount of the replacement housing payment to be provided to a minority person is located in an area of minority concentration, the minority person also must be given, if possible, referrals to comparable and suitable, decent, safe and sanitary replacement dwellings not located in such areas.

## SUBPART K: NONDISCRIMINATION

## Section 370.1101 Equal Opportunity and Fair Housing

- a) Equal opportunity. No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with Program funds on the grounds of race, color, national origin, religion, age, family status, disability or sex.
- b) Fair housing. All Projects shall comply with the requirements of the Fair Housing Act (42 U.S.C. 3601-19), as amended from time to time, and the applicable regulations; Executive Order 11063 (Equal Opportunity in Housing) and the implementing regulations; and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended from time to time, and the applicable regulations.
- c) Other federal requirements. All Recipients, and to the extent applicable, all Projects, shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), as amended from time to time, and the applicable regulations; the Age Discrimination Act of 1975 (42 U.S.C. 6101-07), as amended from time to time, and the applicable regulations; the requirements of Executive Order 11246 (Equal Employment Opportunity) and the implementing regulations; to the extent applicable, Title III of the Americans with Disabilities Act (42 U.S.C. 12181-89), as amended from time to time, and the applicable regulations; the requirements of Section 3 of the Housing and Urban Development Act of 1986 (12 U.S.C. 1701u), as amended from time to time, and the applicable regulations; and the requirements of Executive Orders 11625 and 12432 (Minority Business Enterprise) and Executive Order 12138 (Women's Business Enterprise) and the

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

implementing regulations.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Aid to Families with Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Adopted Action:

112.70	Amendment
112.71	Amendment
112.72	Amendment
112.74	Amendment
112.78	Amendment
112.79	Amendment
112.82	Amendment

4) Statutory Authority: Sections 9-6, 9-6.02 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 9-6, 9-6.02 and 12-13)

5) Effective Date of Amendments: December 24, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 24, 1992

9) Notice of Proposal Published in Illinois Register:

March 6, 1992 (16 Ill. Reg. 3335)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version:

Based upon an agreement with the Joint Committee on Administrative Rules, the following changes were made:

In Section 112.74(c), the phrase "an average of" was added after the phrase "Individuals must participate."

The statement "Special circumstances are based on the participant's physical capacity, skills, experience, health and safety, and family responsibilities." was added as the following sentence.

In addition, the Department added language to the proposed amendments to restrict participation in the Postsecondary Education component to only one parent in a two-parent family. Section 112.78(h)(2)(M) was added to read: "In a two-parent family, only one parent can participate in the Postsecondary Education component."

## DEPARTMENT OF PUBLIC AID

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The following technical changes were also made to the text of the proposed amendments:

- All references to "Ill. Rev. Stat." were updated to the 1991 version.
- In Section 112.70(a), all references to "the principal wage earner" were changed to "one parent."
- In Section 112.78(d)(3)(D)(i), the word "their" was changed to "the employer's."
- In Section 112.78(e)(5)(A), the phrase "displace persons" was deleted.
- In Section 112.78(e)(5)(A)(i), the phrase "displace persons" was inserted before the word "who" and the word "or" was added at the end of the Section.
- In Section 112.78(e)(5)(A)(ii), the phrase "displace persons" was inserted before the word "who."
- In Section 112.78(e)(5)(A)(iv), the word "anyway" was changed to "any way."
- In Section 112.78(e)(5)(A)(v), the phrase "by a participant assigned to Work Supplementation or Work Experience components" was deleted.
- In Section 112.78(e)(5)(A)(vi), the phrase "displace persons" was inserted before the word "who" and the word "if" was inserted after the word "or."
- In Section 112.78(h), the phrase "An Act to provide for the organization and maintenance" was deleted. The word "Act" was inserted after the word "Illinois" and "ch. 144, par. 22" was changed to "ch. 144, par. 21m." The phrase "An Act providing for the management, operation control and maintenance of" and the word "System" were deleted. The word "Act" was inserted after the word "Universities." The phrase "An Act to change the name of Southern Illinois Normal University (Ill. Rev. Stat. 1989, ch. 144, par. 600 et seq.)" was changed to "The Southern Illinois University Name Change Act (Ill. Rev. Stat. 1989, ch. 144, par. 599 et seq.)."
- In Section 112.78(h)(2)(H), the comma after the phrase "as well as" was deleted.
- In Section 112.78(h)(2)(I), the phrase "consistent with the individual's employability plan" was placed after the word "Jobs" and the word "chosen" was changed to "chosen."

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

13. Section 112.78(h)(2)(K) was deleted and the remaining subsections were renumbered accordingly.
14. In Section 112.78(k)(1), all references to "the principal wage earner" were changed to "one parent."
15. In Section 112.78(k)(2), the word "unemployed" was capitalized and "(see subsection (k)(4) below)" was changed to "(see subsection (k)(7) below)."
16. In Section 112.78(k)(3), the phrase "or forty (40) hours for two (2) weeks followed by two (2) weeks off." was deleted from the end of the sentence.
17. In Section 112.78(k)(4)(B), all references to "the principal wage earner" were changed to "one parent."
18. In Section 112.78(k)(5)(B), a parenthesis was added at the end of the section.
19. In Section 112.78(k)(5)(D), the phrase "or forty (40) hours for two (2) weeks followed by two (2) weeks off." was deleted from the end of the sentence.
20. In Section 112.78(k)(7)(A), the phrase "displace persons" was deleted.
21. In Section 112.78(k)(7)(A)(i), the phrase "displace persons was inserted before the word "who."
22. In Section 112.78(k)(7)(A)(ii), the phrase "displace persons" was inserted before the word "who."
23. In Section 112.78(k)(7)(A)(iv), the word "anyway" was changed to "any way."
24. In Section 112.78(k)(7)(A)(v), the phrase "by a participant assigned to work supplementation or Word Experience components" was deleted.
25. In Section 112.78(k)(7)(A)(vi), the phrase "displace persons" was added before the word "who" and the word "if" was inserted after the word "or."
26. In Section 112.78(k)(7)(B)(i), the phrase "i.e., the grievant" was placed in parentheses.
27. In Section 112.78(k)(7)(C), the phrase "within ten (10) days of" was changed to "Not more than ten (10) days after"

## DEPARTMENT OF PUBLIC AID

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28. In Section 112.78(k)(7)(D), the word "from" was inserted after the word "and."
  29. In Section 112.78(k)(7)(E), the word "of" was changed to "after."
  30. In Section 112.78(k)(7)(F), the phrase "work assignment Sponsor" was changed to "Work Experience Sponsor."
  31. In Section 112.82(e)(3)(B), commas were inserted after the words "except" and "month."
  - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
  - 13) Will these Amendments replace Emergency Amendments currently in effect? No
  - 14) Are there any Amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation              |
|----------|-----------------|---|
| 112.9    | Amendment       | September 4, 1992 (16 Ill. Reg. 13381)  |
| 112.127  | Amendment       | December 18, 1992 (16 Ill. Reg. 19642)  |
| 112.153  | Amendment       | December 4, 1992 (16 Ill. Reg. 18216)   |
| 112.154  | Repeal          | September 25, 1992 (16 Ill. Reg. 14522) |
| 112.250  | Amendment       | January 4, 1992 (17 Ill. Reg. 46 )      |
| 112.252  | Amendment       | January 4, 1992 (17 Ill. Reg. 46 )      |
| 112.253  | Amendment       | January 4, 1992 (17 Ill. Reg. 46 )      |
| 112.254  | Amendment       | January 4, 1992 (17 Ill. Reg. 46 )      |
| 112.330  | Amendment       | October 9, 1992 (16 Ill. Reg. 15277)    |
- 15) Summary and Purpose of Amendments: This rulemaking makes the following changes in the Department's Project Chance Program:
    1. clarifies that individuals will seek employment upon completion of education and/or training;
    2. states that the Department will decide categories of individuals who can participate in Project Chance based upon cost;
    3. provides that non-exempt individuals who are mandated to participate can be sanctioned for not attending orientation or assessment;
    4. states the order of groups to be mandated when necessary to mandate;
    5. adds the sub-minimum training wage in definition of suitable employment;

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6. adds that individuals must participate 20 hours each week unless special circumstance prevents 20 hours of participation;
7. clarifies when reassessments must take place;
8. modifies component approval criteria;
9. increases employer contacts for the 40-hour work assignment in the Work Experience Component from 5 to 10 per month;
10. adds additional stipulations to the displacement/grievance Section;
11. requires individuals to maintain a "C" average in the education components;
12. provides that clients may be required to make a co-payment for Transitional Child Care;
13. provides that Project Chance pays participants transportation and lodging for state certification examinations;
14. adds part-time employment to the list of initial employment expenses; and
15. creates the Unemployed Parent Work Experience Component for AFDC-U registrants including assignment to the component, participation requirements, work experience positions and displacement grievance procedures.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

## AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

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112.1  
112.5

Description of the Assistance Program  
Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.8  
112.9

Caretaker Relative  
Client Cooperation

## EMERGENCY

## 112.10

Citizenship

## 112.20

Residence

## 112.30

Age

## 112.40

Relationship

## 112.50

Living Arrangement

## 112.52

Social Security Numbers

## 112.54

Assignment of Medical Support Rights

## 112.60

Lack of Parental Support or Care

## 112.61

Death of a Parent

## 112.62

Incapacity of a Parent

## 112.63

Continued Absence of a Parent

## 112.64

Unemployment of the Parent

## SUBPART C: PROJECT CHANCE

## Section

## 112.70

Participation Requirements for Project Chance

## 112.71

Individuals Exempt From Project Chance

## 112.72

Project Chance Participation/Cooperation Requirements

## 112.73

Failure to Participate with the Work Incentive Demonstration

## 112.74

Program (Renumbered)

## 112.75

Project Chance Initial Assessment Process/Development of an

## 112.76

Employability Plan

## 112.77

Project Chance Orientation

## 112.78

Conciliation and Fair Hearings

## 112.79

Project Chance Components

## 112.80

Project Chance Sanctions

Good Cause for Failure to Comply With Project Chance Participation Requirements



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112.81 Responsible Relative Eligibility For Project Chance  
 112.82 Project Chance Supportive Services  
 112.83 Young Parents Program  
 112.84 Work Experience Evaluation Project  
 112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

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 112.86 Project Advance  
 112.87 Project Advance Experimental and Control Groups  
 112.88 Project Advance Participation Requirements of Experimental Group  
 Members and Adjudicated Fathers  
 112.89 Project Advance Cooperation Requirements of Experimental Group  
 Members and Adjudicated Fathers  
 112.90 Project Advance Sanctions  
 112.91 Good Cause for Failure to Comply with Project Advance  
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 112.95 Project Advance Supportive Services

## SUBPART F: EXCHANGE PROGRAM

Section  
 112.98

## Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section  
 112.100 Unearned Income  
 112.101 Unearned Income of Stepparent or Parent  
 112.105 Budgeting Unearned Income  
 112.106 Budgeting Unearned Income of Applicants Employed On Date of  
 Application And/Or Date Of Decision  
 112.107 Initial Receipt of Unearned Income  
 112.108 Termination of Unearned Income  
 112.110 Exempt Unearned Income  
 112.115 Education Benefits  
 112.120 Incentive Allowances  
 112.125 Unearned Income In-Kind  
 112.126 Earmarked Income  
 112.127 Lump Sum Payments  
 112.128 Protected Income  
 112.130 Earned Income  
 112.131 Earned Income Tax Credit  
 112.132 Budgeting Earned Income  
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 Application And/Or Date Of Decision  
 Initial Employment

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112.135 Budgeting Earned Income For Contractual Employees  
 112.136 Budgeting Earned Income For Non-Contractual School Employees  
 112.137 Termination of Employment  
 112.138 Transitional Payments (Repealed)  
 112.140 Exempt Earned Income  
 112.141 Earned Income Exemption  
 112.142 Exclusion From Earned Income Exemption  
 112.143 Recognized Employment Expenses  
 112.144 Income From Work/Study/Training Program  
 112.145 Earned Income From Self-Employment  
 112.146 Earned Income From Roomer and Boarder  
 112.147 Income From Rental Property  
 112.148 Payments from the Illinois Department of Children and Family  
 Services  
 112.149 Earned Income In-Kind  
 112.150 Assets  
 112.151 Exempt Assets  
 112.152 Asset Disregards  
 112.153 Deferral of Consideration of Assets  
 112.154 Property Transfers  
 112.155 AFDC Income Limit

## SUBPART H: PAYMENT AMOUNTS

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 112.250 Grant Levels  
 112.251 Payment Levels in AFDC  
 112.252 Payment Levels in AFDC Group I Counties  
 112.253 Payment Levels in AFDC Group II Counties  
 112.254 Payment Levels in AFDC Group III Counties

## SUBPART I: OTHER PROVISIONS

Section  
 112.300 Persons Who May Be Included in the Assistance Unit  
 112.301 Presumptive Eligibility  
 112.302 Monthly Reporting  
 112.303 Retrospective Budgeting  
 112.304 Budgeting Schedule  
 112.305 Strikers  
 112.306 Foster Care Program  
 112.307 Responsibility of Sponsors of Aliens  
 112.308 Special Needs Authorizations  
 112.309 Institutional Status  
 112.315 Young Parent Program (Renumbered)  
 112.320 Redetermination of Eligibility  
 112.330 Twelve Month Extension of Medical Assistance Due to Increased  
 Income from Employment

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112.331 Four Month Extension of Medical Assistance Due to Child Support Collections

112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

## SUBPART J: CHILD CARE

Section

112.350 Child Care

112.352 Child Care Eligibility

112.354 Qualified Provider

112.356 Notification of Available Services

112.358 Participant Rights and Responsibilities

112.362 Additional Service to Secure or Maintain Child Care Arrangements

112.364 Rates of Payment for Child Care

112.366 Method of Providing Child Care

## SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400 Transitional Child Care Eligibility

112.404 Duration of Eligibility for Transitional Child Care

112.406 Loss of Eligibility for Transitional Child Care

112.408 Qualified Child Care Providers

112.410 Notification of Available Services

112.412 Participant Rights and Responsibilities

112.414 Child Care Overpayments and Recoveries

112.416 Fees for Service for Transitional Child Care

112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40,

p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 1, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January

## DEPARTMENT OF PUBLIC AID

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1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H

## DEPARTMENT OF PUBLIC AID

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and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART C: PROJECT CHANCE

## Section 112.70 Participation Requirements For Project Chance

Sections 112.70 through 112.83 describe Project Chance employment, education, and training participation requirements for AFDC clients. The purpose of Project Chance is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. Project Chance will focus on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allow to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity. The program will offer a wide variety of intensive



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activities aimed at assisting the participant to acquire the education and or skills needed to meet the demands of the current labor market as well as in the future. Upon completion of the individuals education and/or training all participants will seek employment as part of the employability plan. To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate. The Department will decide the categories of individuals who can participate in Project Chance based upon budget analysis of component costs and supportive service costs for each category of individuals and in keeping with federal jobs participation requirements.

- a) Both exempt and non-exempt individuals receiving AFDC may participate in Project Chance when state resources permit. All non-exempt individuals receiving AFDC are required to participate in Project Chance only to the extent there are resources available to serve individuals other than volunteers. Participation in component activities may be mandated for non-exempt individuals. One parent in the AFDC-U case must participate in the Unemployed Parent Work Experience component unless he/she is exempt under one of the exemption criteria (see Section 112.71). If one parent is exempt, the other parent must participate in the Unemployed Parent Work Experience component unless he/she is also exempt. Participation may be limited for non-exempt and exempt individuals based on component cost or available funds for supportive services for participating individuals. Dependent children under sixteen (16) who are not parents cannot participate in Project Chance.

- b) Project Chance services will be offered to exempt and non-exempt individuals who wish to volunteer to participate.

- 1) Volunteers will be served first. However, participation may be mandated for non-exempt individuals if needed to serve adequate numbers in the target populations, or if state resources are available to provide services beyond this volunteer population. Exempt and non-exempt individuals who volunteer to participate become a program participant upon completion of the Initial Assessment, development of the employability plan, and assignment to a component (see Section 112.74). Participation may be limited for volunteers if state resources are insufficient. A waiting list will be established by geographical area to serve those on waiting lists in each geographical area. Volunteers who fail to attend the orientation and/or Initial Assessment meetings will not be sanctioned. However, non-exempt individuals volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the

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employability plan, and assignment to a component may be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79). Non-exempt individuals who are mandated to participate but fail to attend the orientation meeting or to complete the Initial Assessment without good cause may be sanctioned.

- 2) The priority that volunteers will be served is:

- A) non-exempt volunteers from the target groups;
- B) exempt volunteers from the target groups;
- C) non-exempt volunteers other than the target groups;
- D) exempt volunteers other than the target groups; and
- E) non-volunteers.

- c) Project Chance participation may be mandated to the extent resources allow and to the extent needed to meet federal program requirements and maintain a program that is balanced between education and training services and placement sources for job ready individuals. If it is determined that Project Chance participation must be mandated, this shall be done in the following order:

- 1) recipients of Aid to Families with Dependent Children = Unemployed (AFDC-U) who are in the target groups specified in Section 112.70(d);
- 2) recipients of AFDC-U not in the target groups;
- 3) recipients of regular Aid to Families with Dependent Children (AFDC) whose youngest child is at least age 16;
- 4) recipients of AFDC on assistance at least three (3) of the last five (5) years; and
- 5) recipients of AFDC under the age of twenty-four (24) who have not completed high school.

e)d) Project Chance resources will be targeted to the following groups:

- 1) current recipients who have received AFDC for any thirty-six (36) of the preceding sixty (60) months;

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- 2) applicants for AFDC who have received AFDC for any thirty-six (36) of the sixty (60) months immediately preceding the most recent month for which application has been made;
  - 3) custodial parents under age twenty-four (24) who have not completed high school or have little or no work experience within the preceding year; or
  - 4) members of families in which the youngest child is within two (2) years of being ineligible for AFDC because of age.
- b) A custodial parent under age twenty (20) who has not completed a high school education (or its equivalent) is not exempt from participation in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age six (6). This requirement is conditioned upon provision to the young parent of all necessary child care services.

e) A custodial parent age sixteen (16) or seventeen (17) may be excused from educational activities directed toward obtaining a high school diploma (or equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child, is homeless, or is experiencing family or personal crisis.

f) A custodial parent who is age eighteen (18) or nineteen (19) may participate in training or work activities instead of educational activities if one of the following conditions is met:

- 1) prior to any assignment of the parent to educational activities, it is determined, based on an educational assessment and the employment goal established in the parents' employability plan, that participation in educational activities is not appropriate; or
- 2) the parent fails to make good progress in successfully completing educational activities, and it is determined based on an individual assessment, and the employment plan that the educational activity is not appropriate.

g) Individuals age twenty (20) or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:

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- 1) the individual reads at the 9.9 grade level; or
- 2) the long term employment goal identified in the individual's employability plan does not require a high school diploma (or equivalent); or
- 3) the individual reads below the 9.9 grade level, and it is determined based on the individual's assessment that the individual does not possess the aptitude to progress in an educational program and does not wish to participate in an educational program.

h) A parent or other relative personally caring for a child under age six (6) will not be required to participate in Project Chance for more than twenty (20) hours per week except as specified in subsection (d) (e) above.

(Source: Amended at 17 Ill. Reg. 357, effective December 24, 1992)

Section 112.71 Individuals Exempt From Project Chance

a) An individual shall be exempt from Project Chance participation when that individual:

- 1) Is a child age sixteen (16) through eighteen (18) in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance. If the child individual loses this exemption because he/she is no longer in school, the exemption is no longer applicable even if the child individual returns to school;

2) Temporary and Chronic Illness or Injuries

A) Temporary Illness and Injuries

- i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local office, on the basis of medical evidence (e.g., statement from a medical provider) or on another sound basis that the illness/injury is serious enough to temporarily prevent the individual from engaging in employment or participating in Project Chance. A sound basis for exemption from Project Chance on a temporary basis includes but is not limited to: the

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## Section 112.71(a)(2)(A)(i) (continued)

observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;

- ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;
- B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in Project Chance. This may include a period of recuperation after childbirth if prescribed by a woman's physician;
- C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;
- 3) Is under age sixteen (16), or is age sixty (60) years or older;
- 4) Resides in an area remote from the Project Chance office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two (2) hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;
- 5) Has another household member for whom that individual must provide full-time care;
- 6) Is the parent or other caretaker relative of a child under age three (3) in the home (other than a minor parent under age twenty (20) without a high school diploma or equivalent who is

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required to participate in education) who is personally providing care for the child. Only one person in a case may be exempt for this reason.

- 7) Employment
  - A) Is employed 30 hours or more per week;
  - B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten (10) work days.
- 8) Is in the 4th month of pregnancy or later; or
- 9) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.).
- b) Individuals who request an exemption from participation in Project Chance shall do so in writing with the assistance of the Project Chance worker or other Department staff, if needed, and shall receive a written notice of decision on such request within forty-five (45) days. Requests for an exemption may be made at:
  - 1) application for assistance;
  - 2) orientation;
  - 3) assessment;
  - 4) reassessment;
  - 5) AFDC eligibility redeterminations;
  - 6) client's request; or
  - 7) whenever information received by the Department indicates the possibility of an exemption.
- c) Exempt individuals may volunteer for Project Chance.

(Source: Amended at 17 Ill. Reg. 357, effective December 24, 1992)



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## Section 112.72 Project Chance Participation/Cooperation Requirements

- a) An individual is required to participate in Project Chance by:
- 1) Cooperating with Project Chance. Cooperation with Project Chance is defined as providing requested information about employment history and capabilities, appearing for scheduled meetings, participating in assessment and literacy tests, and complying with the requirements of Project Chance component activities identified in Sections 112.78 and 112.79;
  - 2) Responding to a job referral of suitable employment (i.e., a written statement referring a participant to an employer for a specific position);
  - 3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:
    - A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department of Employment Security; and
    - B) there are no questions as to the individual's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and
    - C) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection.
  - 4) Suitable employment must meet the following criteria:
    - A) Wages offered must be at least the greater of:
      - i) the Federal minimum wage; or
      - ii) the State minimum wage+.
    - iii) \$3.40/hour-(if-neither-the-Federal-nor-State-minimum wage-is-applicable))+or

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## Section 112.72(a)(4)(A) (continued)

- iv) ~~the greater of the State or Federal "subminimum training wage" when this minimum wage is applicable based on age.~~
- B) Subminimum training wages offered must be at least the greater of:
  - i) the Federal subminimum training wage; or
  - ii) the State subminimum training wage.
- B)C) If the wages are offered on a piece-rate basis wages for a beginner must equal the amount the participant can reasonably be expected to earn as outlined in Section 112.72(a)(4)(A).
- C)D) The participant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.
- D)E) There is no unreasonable degree of risk to the participant's health and safety.
- E)F) The participant is physically and mentally competent to perform the work.
- F)G) The employment must be within reasonable distance of the participant's residence. Commuting time must not represent more than 25% of the participant's total time on the job, e.g., no more than two (2) hours commuting time for an eight (8) hour work day.
- G)H) The employment would result in the participant's family not experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to earnings, unearned income and cash assistance. Necessary and reasonable expenses include: all mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court ordered income withheld from earnings; child care costs at the Department's established rate if the individual would not be eligible for Transitional Child Care (see Sections

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112.400 thru 112.418); and transportation costs to get to and from employment including travel for child care at the Department's established rates.

- 5) Participants must register and appear for interviews at the Department of Employment Security's Job Service offices when required by a Project Chance component activity.
- b) Additionally, participants who are part-time employed as defined in Section 112.64(d)(1), must:
  - 1) continue their part-time employment as defined in Section 112.64(d)(1); and
  - 2) not reduce their employment (i.e., voluntarily reducing work hours).
- c) Failure of a non-exempt individual to participate/ cooperate with the Project Chance requirements listed in this Section without good cause will result in sanction as outlined in Section 112.79.
- d) Failing to achieve certain grades or competency levels or goals in educational, training, or work activity shall not constitute failure to participate in Project Chance, but shall be addressed through a reassessment, requested by the participant or Project Chance.

(Source: Amended at 17 Ill. Reg. 357, effective December 24, 1992)

## Section 112.74 Project Chance Initial Assessment Process/Development of an Employability Plan

## a) Initial Assessment to Develop an Employability Plan

- 1) All individuals shall undergo an initial assessment to develop an employability plan.
- 2) The initial assessment shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems including the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an

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exemption shall be elicited. A determination of whether the individual qualifies for an exemption may take place at any time the client requests or Project Chance staff perceive a reason for exemption during the individual's participation in the program. As part of the assessment process, individuals and Project Chance staff shall work together to identify any supportive service needs required to enable them to participate in Project Chance and meet the objectives of their employability plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency.

## 3) The employability plan must:

- A) contain an employment goal of the participant;
- B) describe the services to be provided by the agency, including child care and other supportive services;
- C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
- D) describe any other needs of the family that might be met by Project Chance such as participation by a child in drug education or in life skills planning sessions.

## 4) The employability plan shall take into account:

- A) available program resources;
- B) the participant's supportive service needs;
- C) the participant's skills level and aptitudes;
- D) local employment opportunities;
- E) to the maximum extent possible, the preferences of the participant;
- F) the employability plan shall not be considered a contract;
- G) final approval of the plan rests with the Project Chance program; and

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- H) the participant shall be offered a copy of the employability plan.
- b) Occurrence of the Initial Assessment
- 1) The initial assessment shall take place before a participant is assigned to any Project Chance component. All participants will be scheduled to begin the initial assessment within fourteen (14) working days after orientation.
  - 2) The participant will be notified in writing of the initial assessment meeting. The notice shall include the following information:
    - A) the date and time of the interview;
    - B) a description of the purpose of the interview;
    - C) the consequences of failing to attend;
    - D) the right to re-schedule for good cause;
    - E) the right to request child care and transportation to attend; and
    - F) the name of the person to contact for such purposes.

- c) During the initial assessment, the employability plan and needed services will be determined. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems which may include the need of any child of the individual). The preference of the individual will be taken into account in the development of the employability plan to the maximum extent possible and appropriate. In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and Project Chance staff shall work together to identify any supportive service needs required to enable them to participate in Project Chance and meet the objectives of their employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include

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standard literacy testing and a determination of English language proficiency. Literacy level is defined as reading at a 9.9 grade level or above. Based on the initial assessment, the individual will be assigned to the appropriate component activity. Individuals must participate an average of twenty (20) hours each week to enable the State of Illinois to obtain maximum Federal match monies unless special circumstances prevent twenty (20) hours of participation each week. Special circumstances are based on the participant's physical capacity, skills, experience, health and safety, and family responsibilities. Components may be combined to increase the hours of participation to twenty (20) hours each week as required for Federal Financial Participation (FFP). The decision will be based on a determination of the individual's level of preparation for employment. The four (4) levels are as follows:

- 1) Individuals unable to participate due to barriers or problems such as substance abuse problems, domestic violence, family problems, etc. will be referred to an appropriate supportive/ancillary service activity.
- 2) Individuals ready to participate, but not job ready and in need of educational services will be referred to an educational component. Individuals ready to participate but in need of educational services will include but are not limited to:
  - A) individuals with limited English proficiency;
  - B) individuals under age twenty (20) who do not have a high school diploma; and
  - C) individuals age twenty (20) and over who do not read at or above a 9.9 grade level.
- 3) Individual(s) ready to participate, but lacking the necessary education or training for employment, near job ready will be referred to job skills training, job readiness training, post secondary education, work experience or other appropriate components.
- 4) Job ready individuals will be referred to job readiness activities, job placement, or job search. To be "job ready", an individual must possess the following attributes:
  - A) A job ready individual must have:
    - i) transportation (ability to get to the work site);



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- ii) clothes (suitable and appropriate for the type of work);
  - iii) child care;
  - iv) tools (if required and not supplied by the employer);
  - v) certificates, licenses, and/or degree (if required);
  - vi) a medical release (where needed, such as workers recently on disability);
  - vii) mental and emotional capability of employability;
  - viii) freedom from any dependency on drugs or alcohol; and
  - ix) motivation to find and hold a job.
- B) Plus one or more of the following:
- i) marketable skills through work history (i.e., current or within the past twenty-four (24) months and a work history in the area of interest or area to which the referral is requested);
  - ii) marketable skills through education and/or training (i.e., current or within the past twenty-four (24) months, in the area of occupation being sought, and is able to meet the entry level requirements of the occupation);
  - iii) if requesting the referral to a specific job order the individual must meet all requirements listed on the order; or
  - iv) new entrants into the job market and persons meeting entry level requirement of specific job.

## d) Reassessment

- 1) A reassessment will be conducted to assess a participant's progress and to review the employability plan at least at the following times:†

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- A) upon completion of a component activity and before assignment to a component activity;
  - B) upon the request of the participant; and
  - C) if the individual is not cooperating with the requirements of the program.†
  - D) If the individual has failed to make satisfactory progress in an education or training program.†
  - E) upon completion of an academic term;
  - F) upon referral from DES or other entities; and
  - G) every twelve (12) consecutive months for individuals participating in an Unemployed Parent Work Experience component work assignment.
- 2) The reassessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. A written notice may be sent to the participant if the reassessment needs to be rescheduled.
- 3) The employability plan must:
- A) contain an employment goal of the participant;
  - B) describe the services to be provided by the agency, including child care and other supportive service;
  - C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
  - D) describe any other needs of the family that might be met by Project Chance such as participation by a child in drug education or in life skills planning sessions.
- 4) The employability plan shall take into account:
- A) available program resources;
  - B) the participant's supportive service needs;
  - C) the participant's skills level and aptitudes;

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- D) Local employment opportunities;
- E) to the maximum extent possible, the preferences of the participant.
- 5) A reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking the participant may be reassigned to a more appropriate component and relevant facts shall be reviewed to determine if the client is exempt from program participation requirements.
- e) If a non-exempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process without good cause, the individual is subject to sanction rules.
- f) If the non-exempt participant has good cause for failing to appear for the assessment interview or to comply with the assessment process, sanction rules do not apply.
- g) Project Chance participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (e.g., child care provided by the Department of Children and Family Services).
- h) Expenses for transportation and child care services will be provided to enable individuals to attend the assessment meeting, if requested.

(Source: Amended at 17 Ill. Reg. 357, effective December 24, 1992)

Section 112.78 Project Chance Components  
a) Education (Below Post Secondary)

Participants who are determined ready to participate but in need of education are referred to the education component. In this component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (e.g., GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

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- 1) Assignment to Education (Below Post Secondary)
  - A) Individuals to be assigned to Education may include but are not limited to the following:
    - i) custodial parents under age twenty (20) who do not have a high school degree or equivalent;
    - ii) individuals with limited English proficiency;
    - iii) individuals age twenty (20) and over who do not read at or above a 9.9 grade level; and
    - iv) individuals age twenty (20) and over who do not have a high school degree or its equivalent and wish to obtain one.
  - B) Parents ages sixteen (16) and seventeen (17) may be excused from educational activities if the parent is unable to participate in educational activities due to his/her own mental or physical illness or that of his/her spouse or child, is homeless, or is experiencing family or personal crisis. This shall include but not be limited to domestic violence and a child's suspension from school.
  - C) Parents age eighteen (18) and nineteen (19) may be assigned to training or work activities instead of educational activities if:
    - i) the parent fails to make good progress in successfully completing education activities, or
    - ii) prior to assignment, the parent had made arrangements to participate in a training program that is approved by the Project Chance program; or
    - iii) it is determined based on the assessment and the employment goal of the individual that educational activities are not appropriate.
  - D) Educational activities may be combined with other component activities if it is determined appropriate.
- 2) Approval criteria for education (Below Post Secondary)
  - A) The individual's program must be accredited under state law.

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B) The individual's program must be needed for the participant to complete his or her employability plan.

C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.

D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in transportation supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

## 2)3) Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must maintain attendance of at least 75% of scheduled activities unless there is good cause for missing more.

C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:

i) active participation and pursuit of educational objectives;

ii) teacher's written remarks;

iii) grades;

iv) demonstrated competencies;

v) classroom exercises; and

vi) periodic test/retest results.

D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported

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upon completion of the academic term or twice a year if the program is continuous for twelve (12) months.

E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for twelve (12) months.

F) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

## b) Job Skills Training (Vocational)

Job Skills Training is designed to increase the individual's ability to obtain and maintain employment. Job Skills Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Job Skills Training may include certificate programs.

i) Assignment to Job-Skills-Training-(Vocational)

A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

G) The program is accredited under requirements of State law.

D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles-(DOT))-from the Department of Employment-Security-(DES)-401-S-State Street, 6th Floor, Chicago, Illinois 60605-and/or other documented and reliable sources (e.g., Horizons available from the Illinois Occupational Information Coordinating Committee, 217 E. Monroe, Springfield, Illinois-and/or the Placement Office at an educational institution).--Jobs must be available in the chosen field upon program completion.



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- E) The program is needed for the participant to complete his or her employability plan.
- F) The program is full-time or part-time if a full-time program is not available.
- G) Job skills training may be combined with other component activities if it is determined appropriate.
- 1) Self-initiated activity qualifies as "self initiated education or training" for this component if:
  - A) The participant is attending at least half-time as defined by the institution;
  - B) The participant is making satisfactory progress in such institution, school or course;
  - C) The course of study is consistent with the individual's employment goal; and
  - D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(b)(2)(A) thru (J).
- 2) Approval Criteria For Job Skills Training (Vocational)
  - A) The individual's program must be accredited under requirements of state law.
  - B) The individual must be underemployed or unemployed and in need of additional training.
  - C) The individual must have a high school diploma or GED if required for training requirements and/or employment in the chosen field.
  - D) The individual must apply for all available educational benefits such as the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
  - E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.

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## NOTICE OF ADOPTED AMENDMENTS

## Section 112.78(b)(2) (continued)

- E) When the individual possesses an associate degree, license or certificate, the program selected must result in an increase in the level of the individual's earnings upon completion. Otherwise, no additional training will be approved unless, due to a change in the economy or occupation, there are not jobs available in the individual's chosen occupation. If the individual possesses a baccalaureate degree, no additional education or training will be approved.
- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's employability plan upon completion.
- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in transportation supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- J) Job skills training may be combined with other component activities if it is determined appropriate.
- K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- 2)3) Participation Requirements
  - A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
  - B) The individual must maintain attendance of at least 75% unless there is good cause for missing more.
  - C) The individual must maintain a "C" average if this measurement is used by the institution to determine

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## NOTICE OF ADOPTED AMENDMENTS

## Section 112.78(b)(3)(C) (continued)

satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

D) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

E) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

## c) Job Readiness

1) The job readiness component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

## 2) Assignment to Job Readiness

A) Individuals who are near job-ready are assigned to this component to help them perfect techniques needed to obtain employment and to improve interview skills.

B) Job readiness activities may be combined with other component activities if it is determined appropriate.

## 3) Participation requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

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## Section 112.78(c)(3) (continued)

B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search component in the program, the individual must make up to five (5) ten (10) acceptable employer contacts in a thirty (30) day period unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort").

C) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

## d) Job Search

## 1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills training and information dissemination. Group job search may include training in a group session.

## 2) Assignment to Job Search

A) Participation in the Job Search component can not be in excess of eight (8) weeks (or its equivalent) in any period of twelve (12) consecutive months.

B) Job ready individuals may be assigned to Job Search. Individuals completing education or training or job skills training or job readiness training may be assigned to Job Search.

C) Job Search may be combined with other component activities if it is determined appropriate.

## 3) Participation Requirements

A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

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## Section 112.78(d)(3) (continued)

- B) Individuals must contact employers in an effort to secure employment. Participants must make up to twenty (20) acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:

- i) the participant appears for a scheduled interview and the employer misses the appointment;
- ii) the participant makes less than the required number of acceptable employer contacts, but came reasonably close to the required numbers in an effort to find work;
- iii) the participant fails a civil service or other employment screening test;
- iv) the participant completes an application which is not accepted by the employer;
- v) the participant's job search performance indicates that he/she should be in a different Project Chance component activity; and
- vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.

- C) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

C4D) Acceptable employer contacts may include but are not limited to:

- i) a face-to-face interview contact with an employer or the employer's representative;
- ii) the completion and return of an application to an employer;
- iii) the completion of a civil service test required for employment with state, local, or the federal

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## NOTICE OF ADOPTED AMENDMENTS

## Section 112.78(d)(3)(D)(iii) (continued)

government or the completion of a Department of Employment Security (DES) screening test;

- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified to be in good standing; or
- vi) registration with DES.

e) Community Work Experience

Near job ready participants who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Community Work Experience component. Community Work Experience assignments are with not-for-profit and public agencies statewide. Not-for-profit and public agencies shall not use Community Work Experience participants to displace regular employees (see subsection (e)(4) below). Work experience programs shall be limited to those which serve a public purpose in fields such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and child care. Participants in Community Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342), or any other provision of law, such agency may accept such services, but such participants shall not be considered to be Federal employees for any purpose.

1) Assignment to Community Work Experience

- A) The Community Work Experience component is for participants determined:

- i) to have no recent work history or employer references taking into consideration such factors as the educational background and previous training; or
- ii) to need experience to prevent deterioration of or to enhance existing skills (e.g., typing).

- B) Entry into Community Work Experience



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## Section 112.78(e)(1)(B) (continued)

Participants are determined to be eligible for the Community Work Experience component, based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including but not limited to the participant's case record).

C) Community Work Experience Positions

A participant shall be assigned to a Community Work Experience position based on his work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.

D) Community Work Experience activities may be combined with other component activities if it is determined appropriate.2) Participation Requirements

A) Work assignment consists of three 30-day periods. (The date the participant is to appear at the work assignment begins the three 30-day periods.) The hours of the work assignment for a 30-day period shall not exceed the family's AFDC grant received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to forty (40) or eighty (80) hours. The minimum number of hours that must be completed within a 30-day period is forty (40) hours, and the maximum number of hours that must be completed within a 30-day period is eighty (80) hours.

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## NOTICE OF ADOPTED AMENDMENTS

## Section 112.78(e)(2) (continued)

B) During work assignment, the participant shall be required to make up to five (5) employer-contacts-per-month ten (10) employer contacts per month if participating in a forty (40) hour work assignment, or five (5) employer contacts per month if participating in an eighty (80) hour work assignment unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort") or participates in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

D) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week. The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include but is not limited to activities such as the work assignment, the completion of employer contacts and attendance in education/training programs.

3) Reassessment

At the end of the third 30-day period, the mandatory registrant's employability will be evaluated using the procedures and criteria described in Section 112.74. If continuing the work assignment will benefit the mandatory registrant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the mandatory registrant shall be reassigned to the work assignment. Otherwise, the mandatory registrant will be assessed for assignment to another Project Chance component.

4) Length of Assignment

An individual cannot be assigned to Community Work Experience for more than a total of six (6) months.

5) Displacement

## NOTICE OF ADOPTED AMENDMENTS

## Section 112.78(e)(5) (continued)

- A) The Work Experience Sponsor shall not use participants to ~~displace persons~~:
- i) displace persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or
  - ii) displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor; or
  - iii) who have been temporarily-laid-off-by-the-Sponsor;
  - iii) impair existing contracts for services or collective bargaining agreements; or
  - iv) infringe in any way upon promotional opportunities of any currently employed individual; or
  - v) fill any established unfilled position vacancy; or
  - vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.
- B) Participant's, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
- i) the name and address of the participant or other employee at the work site i.e., the grievant;
  - ii) the participant's public aid case number;
  - iii) the participant's or other employee's (at the work site) social security number;
  - iv) Work Experience (work site); and

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## Section 112.78(e)(5)(B) (continued)

- iv) Work Experience (work site); and
  - v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.
- C) Within ten (10) days of receipt of a written grievance, the Department shall arrange an in-person conference with:
- i) the participant or other employee at the work site;
  - ii) the participant's or other employee's (at the work site) representative, if any;
  - iii) the Work Experience Sponsor;
  - iv) the Work Experience Sponsor's representative, if any; and
  - v) the Department's representative.
- D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.
- E) Within fifteen (15) days of the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A){i} above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of Project Chance participants in addition to the participant, then the Department shall terminate those Project Chance participants' assignment to that work assignment Sponsor.

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## Section 112.78(e)(5) (continued)

- G) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

## f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

## 1) Assignment to OJT

- A) Job ready individuals may be assigned to OJT.
- B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
- C) Wages to participants in OJT shall not be less than the higher of the State or Federal minimum wage.
- D) Wages to participants in OJT are considered earned income.
- E) OJT may be combined with other component activities if it is determined appropriate.

## 2) Participation Requirement

- A) The participant must attend all scheduled days.
- B) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

## 3) Supportive Services

Participants in OJT receive child care and medicaid benefits through the AFDC program, not Project Chance.

## g) Exchange Program (see Section 112.98)

## h) Post Secondary Education

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## NOTICE OF ADOPTED AMENDMENTS

## Section 112.78(h) (continued)

Individuals may be referred to post secondary education programs. Post secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, The Barber, Cosmetology and Esthetics Act of 1985 (Ill. Rev. Stat. 1989, ch. 111, par. 1701-1 et seq.), the Real Estate License Act of 1983 (Ill. Rev. Stat. 1989, ch. 111, par. 5801 et seq.), the Public Community College Act (Ill. Rev. Stat. 1989, ch. 122, par. 101-1 et seq.), AN-Act-to-provide-for-the-organization-and-maintenance-of the University of Illinois Act (Ill. Rev. Stat. 1989, ch. 144, par. 32 21m et seq.), AN-Act-providing-for-the-management, operation, control-and-maintenance-of the Regency Universities System Act (Ill. Rev. Stat. 1989, ch. 144, par. 301 et seq.) and AN-Act-to change the name-of Southern Illinois Normal University Name Change Act (Ill. Rev. Stat. 1989, ch. 144, par. 600 53g et seq.).

## 1) Assignment-to-Post-Secondary-Education

- A) The-participant-is-unemployed-or-employed-and-in-need-of-further-education-to-enhance-employment/earning-potential.
- B) The-participant-possesses-the-aptitude,-ability-and-interest-necessary-for-success-in-the-selected-program-(as-determined-by-such-factors-as-test-results, educational/training-background).
- C) The-program-is-accredited-under-requirements-of-State-law.
- D) The-program-is-needed-for-the-participant-to-obtain-useful employment-in-a-recognized-occupation-(according-to-the-Dictionary-of-Occupational-Titles-(DOT))-the-Department-of-Employment-Security-(DES)-and/or-other-documented-and-reliable-sources-(e.g.,-Horizons,-Department-of-Commerce-and-Community-Affairs-(DCCA)-and/or-the-placement-officer-at-an-educational-institution).--Jobs-must-be-available-for-graduates-upon-program-completion.
- E) The-program-is-needed-for-the-participant-to-complete-his-or-her-employment-plan.
- F) The-program-is-full-time-or-part-time-if-a-full-time-program-is-not-available.
- G) The-program-selected-may-be-no-more-than-a-program-that-will-result-in-the-receipt-of-a-Bachelorate-Degree.



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## NOTICE OF ADOPTED AMENDMENTS

## Section 112.78(h)(1) (continued)

- H) If the participant possesses a baccalaureate degree, no additional education may be approved.
- I) The program cannot be a post-graduate program.
- J) Post-secondary education activities may be combined with other component activities if it is determined appropriate.
- 1) Self-initiated activity qualifies as "self initiated education or training" for this component if:
- A) The participant is attending at least half-time as defined by the institution.
- B) The participant is making satisfactory progress in such institution, school or course.
- C) The course of study is consistent with the individual's employment goal; and
- D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(h)(2)(A) thru (n).
- 2) Approval Criteria For Post Secondary Education
- A) The individual must have a high school diploma or a GED.
- B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the employability plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.

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## Section 112.78(h)(2) (continued)

- G) The individual's program must be accredited under requirements of State law.
- H) The individual must apply for all available educational benefits such as the Pell grant and scholarship from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's employability plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in transportation supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- K) The individual must supply all information requested on the "Postsecondary Baccalaureate Degree Program Application" form if the Employability plan goal is a Bachelor of Science or Bachelor of Arts degree.
- L) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree.
- M) In a two-parent family, only one parent can participate in the Postsecondary Education component.
- 2)3) Participation Requirements
- A) The individual must maintain attendance of at least 75% unless there is good cause for missing more.
- B) The participant must secure funding for tuition payment. Available educational benefits may include, but are not limited to, resources such as the Pell grant and scholarship from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible. Income from educational loans and grants are exempt from consideration as budgeted income toward the assistance grant (see Section 112.144).

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## Section 112.78(h)(3) (continued)

B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

C) The individual must participate twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

## i) Self-Initiated-Education

Participants who are attending in good standing an institution of higher education or a vocational or technical program at the time they enter the Project Chance program may continue to attend if the program is approved by the Project Chance program under the provisions of subsections (i)(1)(A) thru (i)(4) below.

## 1) Assignment-to-Self-Initiated-Education

A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

C) The program is accredited under requirements of State law.

D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the

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## Section 112.78(i)(1)(D) (continued)

Dictionary of Occupational Titles (DOT), the Department of Employment Security (DES) and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs (DCCA) and/or the placement officer at an educational institution). -- Jobs must be available for graduates upon program completion.

E) The program is needed for the participant to complete his or her employment plan.

F) The program is full-time or a full-time program is not available or appropriate.

G) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree.

H) If the participant possesses a Baccalaureate degree, no additional education may be approved.

I) The program cannot be a post-graduate program.

J) Self-initiated education activities may be combined with other component activities if it is determined appropriate.

## 2) Participation-Requirements

A) The participant must maintain attendance of at least 75% unless there is good cause for missing more.

B) The participant must secure funding for tuition payment. Available educational benefits may include, but are not limited to, resources such as the Pell Grant and scholarship from the Illinois Student Assistance Commission, as well as any scholarship or grant identified by the education or training facility for which the participant may be eligible. -- Income from educational loans and grants are exempt from consideration as budgeted income toward the assistance grant (see Section 112.144).

## 3) Job Development and Placement (JDP)

1) Project Chance staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.

## NOTICE OF ADOPTED AMENDMENTS

## Section 112.78(i)(1) (continued)

## 2) Assignment to JDP

Job ready individuals may be assigned to JDP.

## \*j) Job Retention

The job retention component is designed to assist participants in retaining employment. Initial employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding job retention skills. Counseling may continue up to three months after employment.

## k) Unemployed Parent Work Experience

- 1) One parent in the AFDC-U case must participate in Unemployed Parent Work Experience unless he/she is exempt under one of the exemption criteria (see Section 112.71). If one parent is exempt, the other parent must participate in Unemployed Parent Work Experience unless he/she is also exempt.
- 2) Unemployed Parent Work Experience participants who are placed on a supervised work assignment improve their employment skills through actual work experience at not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Not-For-Profit organizations and governmental agencies shall not use Unemployed Parent Work Experience participants to displace regular employees (see subsection (k)(7) below).
- 3) The individual must participate in Unemployed Parent Work Experience for as long as he/she remains eligible for financial assistance or is determined exempt from Project Chance. Work assignments are for twenty (20) hours each week. Attendance in the work assignment is monitored monthly. A reassessment must be conducted with the participant at least every twelve (12) consecutive months.
- 4) Assignment to Work Experience
  - A) The Unemployed Parent Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:
    - i) age 25 and over may participate in educational activities below the postsecondary level in addition

## NOTICE OF ADOPTED AMENDMENTS

## Section 112.78(k)(4)(A)(i) (continued)

to his/her Unemployed Parent Work Experience work assignment; or

- ii) age 20 through 24 may choose to participate in educational activities below the postsecondary level in addition to or instead of the Unemployed Parent Work Experience work assignment. The individual must participate twenty (20) hours each week in the Education (below postsecondary) component if he/she chooses this component instead of the Unemployed Parent Work Experience work assignment. If the individual fails to make satisfactory academic progress in the Education (below postsecondary) component, the individual will be assigned to an Unemployed Parent Work Experience work assignment; or
  - iii) under age 20 must participate twenty (20) hours each week in educational activities below the postsecondary level. The individual must meet the participation requirements of the Education (below postsecondary) component (see Section 112.78 (a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parent Work Experience work assignment.
- B) Entry into Unemployed Parent Work Experience
- The Unemployed Parent Work Experience participant must be one parent in the AFDC-U case unless he/she is exempt under one of the exemption criteria (see Section 112.71). If one parent is exempt, the other parent must participate in Unemployed Parent Work Experience unless he/she is also exempt.
- C) Unemployed Parent Work Experience Positions
- A participant shall be assigned to an Unemployed Parent Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parent Work Experience.
- D) Unemployed Parent Work Experience activities may be combined with other component activities if it is determined appropriate.



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## Section 112.78(k) (continued)

## 5) Participation Requirements

- A) During the work assignment period, the client must make a good faith effort to complete five (5) employer contacts in each thirty (30) day period.
  - B) Failure to make the required number of employer contacts each thirty (30) day period without good cause may result in sanction. A client will not be sanctioned for failure to make a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78 (d)(3)(B)).
  - C) The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include the work assignment, attendance in Education (below postsecondary), and/or completion of employer contact activities.
  - D) The client attending a work assignment must participate twenty (20) hours each week.
- 6) Reassessment
- A reassessment must be conducted with the participant at least every twelve (12) consecutive months.
- 7) Displacement
- A) The Work Experience Sponsor shall not use participants to:
    - i) displace persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or
    - ii) displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor; or
    - iii) impair existing contracts for services or collective bargaining agreements; or

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## Section 112.78(k)(7)(A) (continued)

- iv) infringe in any way upon promotional opportunities of any currently employed individual; or
  - v) fill any established unfilled position vacancy; or
  - vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.
- B) Participants, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
- i) the name and address of the participant or other employee at the work site (i.e., the grievant);
  - ii) the participant's public aid case number;
  - iii) the participant's or other employee's (at the work site) social security number;
  - iv) Work Experience (work site); and
  - v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.
- C) Not more than ten (10) days after receipt of a written grievance, the Department shall arrange an in-person conference with:
- i) the participant or other employee at the work site;
  - ii) the participant's or other employee's (at the work site) representative, if any;
  - iii) the Work Experience Sponsor;
  - iv) the Work Experience Sponsor's representative, if any; and
  - v) the Department's representative.

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## Section 112.78(k)(7) (continued)

## Section 112.79(a) (continued)

D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and from the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

E) Within fifteen (15) days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of Project Chance participants in addition to the participant, then the Department shall terminate those Project Chance participants' assignment to that Work Experience Sponsor.

G) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

(Source: Amended at 17 Ill. Reg. 357, effective December 24, 1992)

## Section 112.79 Project Chance Sanctions

a) Sanctions may be imposed against those non-exempt participants who fail to participate without good cause in Project Chance if conciliation is unsuccessful (see Section 112.80 for good cause as specified in subsection (b) below.). For non-exempt participants the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three (3) payment months or until the individual cooperates whichever is longer is imposed for the second failure to participate if conciliation is

unsuccessful; a sanction period of six (6) payment months or until the individual cooperates whichever is longer is imposed for subsequent failures to participate if conciliation is unsuccessful. The Department will not impose a three (3) or six (6) month sanction on any non-exempt participant due to a sanction imposed prior to April 1, 1990. Sanctions will not be imposed against exempt individuals who volunteer. However, the conciliation process will be provided to exempt individuals who volunteer.

## b) Sanctions

Sanctioning of a non-exempt participant or a penalty against exempt participants will result from one instance of any of the following unless conciliation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
- 3) discontinuing part-time employment (less than 30 hours per week) (see Section 112.64);
- 4) reducing employment (i.e., hours of employment) (see Section 112.64(d)(1));
- 5) failure to respond to call-in notices on two (2) separate occasions for an Orientation appointment (see Section 112.76);
- 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74);
- 7) failure to report to a job readiness skills training session (see Section 112.78);
- 8) failure to participate in the Project Chance component activity.
- 9) failure to respond to a written notice for a meeting. For the purposes of determining attendance at Project Chance meetings, if the participant arrives anytime within thirty (30) minutes of the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than thirty (30) minutes late the tardiness will be excused. The Project Chance worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;

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## Section 112.79(b) (continued)

- 10) failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every thirty (30) days when employer contact activity is required in a component;
- 11) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in Project Chance activities;
- 12) failure to report to the work assignment the first day of any scheduled day when assigned to work experience;
- 13) failure to maintain satisfactory attendance participation of at least 75% in an education/training any program component;
- 14) failure to provide verification of education/training activities, employability status, etc.
- c) No Project Chance sanction will be imposed until Project Chance staff has sent the non-exempt participant a written notice scheduling a good cause determination/conciliation meeting to determine whether or not the non-exempt participant had good cause for his/her failure to comply with Project Chance requirements and the non-exempt participant has either failed to attend the meeting or failed to show good cause. If the non-exempt participant failed to show good cause, the conciliation process will continue (see Section 112.77) to enable resolving disputes related to Project Chance participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the non-exempt participant to appear for the scheduled meeting is not considered an instance of noncooperation.
- d) A Project Chance sanction against non-exempt participants or penalty against exempt participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).
- e) When an AFDC-U case is sanctioned for non-compliance with Project Chance, the principal wage earner's "connection to the labor force" shall not have to be reestablished at the end of the sanction period unless assistance has been cancelled for another reason.
- f) The notice of change form issued for a Project Chance sanction shall include the following:

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## Section 112.79(f) (continued)

- 1) a description of the acts of noncooperation with Project Chance, including dates where applicable;
- 2) a statement that the non-exempt participants acts were without good cause (see Section 112.80 for good cause criteria); and
- 3) the following language will be required for non-exempt participants: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request) for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance.
- 4) in addition, exempt participants will receive a notice of change describing the acts of noncooperation, including dates when applicable, a statement that the acts were without good cause, and notification that a penalty may result in loss of priority status should the individual choose to participate in Project Chance at a later time and discontinuance of supportive services.
- g) At least fourteen (14) days prior to the end of the sanction period, a notice will be sent to sanctioned non-exempt individuals whose failure to cooperate has continued for three (3) months explaining the individual's option to end the sanction.
- h) Receipt of Medical Assistance and/or Food Stamps shall not be terminated as a result of a Project Chance sanction.
- i) During the sanction period, the non-exempt individual who fails to cooperate with Project Chance is ineligible for financial assistance. If the non-exempt individual sanctioned is the unemployed parent in the case, and a second parent is in the case, the second parent shall also be sanctioned even if exempt, unless the second parent is participating in the Project Chance Program.
- j) Exempt volunteers in Project Chance who fail to cooperate with Project Chance will not have their assistance grants cancelled or reduced, provided their exemption status has not changed to non-exempt. Exempt volunteers may be penalized by loss of their priority status and supportive services, if applicable, if they fail to cooperate. Exempt volunteers have the right to participate in good cause determination meetings, conciliation, and request an appeal hearing through the Department's fair hearing process (see 89 Ill. Adm. Code 104).

(Source: Amended at 17 Ill. Reg. 357, effective December 24, 1992)



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## Section 112.82 Project Chance Supportive Services

- a) AFDC participants involved in Project Chance are eligible to receive supportive service payments to enable them to participate in the program when to the extent state resources permit and must receive supportive services if required to participate. The Department is not required to provide supportive services unless the Department requires participation.
- b) During the initial assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:

- 1) transportation;
  - 2) child care;
  - 3) job search allowance;
  - 4) initial employment expenses;
  - 5) required books, fees, supplies; and
  - 6) required physical examinations and medical services (e.g., TB test).
- c) Project Chance participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Supportive services will be made available to the participant at no cost, except for individuals may be required to make a co-payment for Transitional Child Care (see Sections 112.400 through 112.418).

- d) Surplus financial aid benefits to clients from Pell grants, scholarships from the Illinois Student Assistance Commission, loans and all other scholarships and grants are considered available to meet the education and training supportive service needs incurred by clients. Financial aid benefits will be considered available only if they are not budgeted against food stamps. Financial aid benefits are not considered available to meet child care costs. Surplus financial aid benefits are funds disbursed to clients after payment for tuition, books, fees and supplies are deducted from the clients financial aid award. Only when surplus financial aid benefits are determined insufficient to meet clients' allowable educational expenses for the academic term will financial aid benefits be supplemented by the Department.

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## Section 112.82 (continued)

## e) Eligible Services

## 1) Transportation

- A) If requested and required (e.g., a participant who does not have an automobile), expenses for transportation will be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled Project Chance appointments.

- B) Transportation expenses are to be paid to permit participation in Project Chance, including travel necessary to locate appropriate child care.

- C) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the participant's own automobile is used, 15¢ per mile will be approved, which includes all vehicle-related expenses. The maximum transportation allowance is \$300 per month.

- D) Transportation expenses are to be paid to permit the participant to take a state certification examination.

- E) Payment for lodging is permitted with Department approval to allow the participant to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.

- C) Transportation expenses are to be paid to permit the participant to take a state certification examination.

- D) Payment for lodging is permitted with Department approval to allow the participant to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.

- E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.

- F) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the

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## Section 112.82(e)(1)(F) (continued)

participant's own automobile is used, 15¢ per mile will be approved, which includes all vehicle-related expenses. The maximum transportation allowance is \$300 per month.

## 2) Child Care

- A) If requested and required (e.g., when school is not in session), expenses for child care services will be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled Project Chance appointments.

- B) Child care expenses are to be paid to permit participation in Project Chance (see Section 112.78).

- C) Maximum rates for child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department will allow payment of an amount not to exceed the maximum rates per child as established by DCFS.

## 3) Job Search Allowance

- A) An allowance of \$20.00 a month is to be paid to individuals participating in intensive the Job Search Component to assist in the payment of job search-related expenses.

- B) An allowance of \$5.00 \$10.00 a month will be paid to individuals to assist in the payment of job search-related expenses if job search activities are part of another Project Chance component except, if the individual is scheduled at eighty (80) hours in the Community Work Experience component or Unemployed Parent Work Experience Component and is making five (5) employer contacts each month, the allowance for job search-related expenses is \$5.00 a month.

## 4) Mandatory Fees

Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of \$300.00 per twelve (12) month period will be provided. No payments are allowed for tuition.

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## Section 112.82(e) (continued)

## 5) Books and Supplies

Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300.00 per twelve (12) month period can be provided for expenses not covered by financial aid benefits.

## 6) Required Physical Examinations and Medical Services

Payment is permitted for participants to obtain required physical examinations and medical services (e.g., TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

## 7) Initial Employment Expense

- A) Payment may be provided for employment expenses incurred when requested within thirty (30) calendar days from the date employment begins. These expenses are paid on the individual's work days during a thirty (30) calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a twelve (12) consecutive month period. Initial Employment Expenses used for child care are excluded from the calculation of the total amount. Payment may be made to individuals employed at least twenty (20) hours weekly on a job that is expected to last at least thirty (30) calendar days, or employed less than twenty (20) hours weekly on a job that is expected to last at least thirty (30) calendar days and total hours of employment plus component activity equal at least twenty (20) hours per week.

- B) These expenses include:

- i) special clothing (maximum \$200);

- ii) required tools which are not provided by the employer (maximum \$200);

- iii) repairs on an automobile (maximum \$300). The following requirements are to be met before a request for payment for repair of an automobile is approved: The client has no other available and suitable form of

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## NOTICE OF ADOPTED AMENDMENTS

## Section 112.82(e)(7)(B)(iii) (continued)

transportation to and from employment. The client is unable to report to the employment unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in an AFDC/AFDC-U case);

- iv) auto license plate fees;
- v) auto liability insurance at the cheapest rate but not to exceed \$100 \$150 or three months coverage, whichever is less costly;
- vi) transportation expenses at the most reasonable and most economical rate, whichever is less. If the participant's own car is used, 15¢ per mile shall be authorized. A maximum payment of \$3.00 per day shall be approved;
- vii) child care;
- viii) physical examinations prior to employment if required and not provided by the employer;
- ix) other required items related to a specific job (maximum \$300); and
- x) item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.
- C) Initial employment expenses will not be authorized to purchase fire arms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.

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## Section 112.82(e)(7) (continued)

- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services' licensed child care provider.
- f) These allowances are exempt from consideration in determining the AFDC grant amount.
- g) Ancillary Supportive Services
  - 1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed and the service is available in the community at no cost to the Department, to enable them to participate in Project Chance:
    - A) vocational rehabilitation;
    - B) emergency intervention services;
    - C) substance abuse or domestic violence programs;
    - D) life skills training activities;
    - E) family planning/sex education;
    - F) parenting skills; and
    - G) family counseling.
  - 2) Child care and transportation at the Department's established rates may be provided to enable Project Chance participants to receive ancillary supportive services if they also participate in a component activity.
  - 3) Regarding emergency intervention services, Project Chance staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services will be discussed with the participant when a review of the participant's employability plan is made.

(Source: Amended at 17 Ill. Reg. 357, effective December 24, 1992)



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1) The Heading of the Part:

Plumbers Licensing Code

2) Code Citation:

68 Ill. Adm. Code 750

3) Section Numbers:

750.1010  
750.3000  
750.3010  
750.3055  
750.4000  
750.4010

Adopted Action:

Amendment  
Amendment  
Amendment  
Amendment  
Amendment

4) Statutory Authority:

Section 30 of the Illinois Plumbing License Law (Ill. Rev. Stat. 1991, ch. 111, par. 1129, as amended by Public Act 87-885, effective July 30, 1992)

5) Effective Date of Amendments: December 28, 1992

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporations by Reference? No

8) Date Filed in Agency's Principal Office: December 28, 1992

9) Date Notice of Proposed Amendments was Published in the Illinois Register:

16 Ill. Reg. 15056 - October 2, 1992

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No

11) Difference Between Proposal and Final Version:

No changes were made in response to comments received during the first notice comment period. Grammatical and technical changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as

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indicated in the agreement letter issued by the Joint Committee?

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

13) Will the Amendments Replace an Emergency Rule Currently in Effect? Yes

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Amendments:

This rulemaking adds fees for the plumbing license examination, plumber's and apprentice plumber's license renewal and reinstatement, late license applications, duplicate licenses, and restoration of expired licenses. The rulemaking also adds fees for copies of the Illinois Plumbing Code provided by the Department and sets a limit on the length of time for which the Department must retain plumbing license records. In addition, the rulemaking specifies that all three parts of the practical component of the plumbing license examination must be completed before any part is eligible for grading.

16) Information and Questions Regarding this Adopted Rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTH

PART 750  
PLUMBERS LICENSING CODE

SUBPART A: GENERAL

Section  
750.1000 Applicability  
750.1010 Statutory Authority

SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section  
750.2000 Election of Officers  
750.2010 Duties of Chairman  
750.2020 Duties of Vice-Chairman  
750.2030 Quorum  
750.2040 Meetings

SUBPART C: ADMINISTRATION OF AND REQUIREMENTS FOR ADMINISTRATION-750  
PLUMBING LICENSE EXAMINATION

Section  
750.3000 Requirements for Admission to Plumbing License Exam  
750.3010 Administration of Plumbing License Examination  
750.3020 Examination Results  
750.3030 Evaluation of Course of Instruction  
750.3040 Course Credit  
750.3050 Plumbing License Revocation  
750.3055 Plumbers' and Apprentice Plumbers' License Records  
750.3060 Administrative Hearings  
750.3070 Training Requirements Pertaining to Plumbing Firms

SUBPART D: PLUMBING PROGRAM FEES

Section  
750.4000 Plumbers' and Apprentice Plumbers' Examination and Licensure Fees  
750.4010 Other Fees

AUTHORITY: Implementing Section 8(3) and 30 of the Illinois Plumbing License Law (Ill. Rev. Stat. 1991, ch. 111, par. 1107(3) and 1129, as amended by Public Act 87-885, effective July 30, 1992) and authorized by Sections 16 and 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 16 and 60(7)).

SOURCE: Adopted at 2 Ill. Reg. 40, p. 1, effective October 1, 1978; codified at 5 Ill. Reg. 10870; Part repealed, new Part adopted at 13 Ill. Reg. 19564,

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effective December 1, 1989; emergency amendment at 16 Ill. Reg. 12785, effective July 30, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 417, effective December 28, 1992.

SUBPART A: GENERAL

Section 750.1010 Statutory Authority

These rules are promulgated under authority of the Illinois Plumbing License Law (Ill. Rev. Stat. 1989 1991, ch. 111, par. 1101 et seq.).

(Source: Amended at 17 Ill. Reg. 417, effective December 28, 1992.)

SUBPART C: ADMINISTRATION OF AND REQUIREMENTS FOR ADMINISTRATION-750  
PLUMBING LICENSE EXAMINATION

Section 750.3000 Requirements for Admission to Plumbing License Exam

- a) Each person desiring to apply for admittance to the examination for a plumber's license shall file an application for examination on forms provided by the Department. These forms may be obtained by writing to the Illinois Department of Public Health, 525 West Jefferson Street, Springfield, Illinois 62761.
- b) A completed application (with a photograph of the face of the applicant at least 1 1/2 inches by 2 1/2 inches) must be filed at least 30 days prior to the examination date. Applications will be accepted if postmarked prior to the 30-day cutoff date and providing the number of applicants has not exceeded 100. Applicants in excess of 100 shall be scheduled for the next examination(s). Examination dates shall be established by the Department and the Board. The location and facilities for the examination shall be selected by the Department and shall be announced at the same time as the examination date.
- c) Each applicant must send with the application the \$55-00 required application fee specified in Section 740.4000 of this Part with the exception of out-of-state applicants who must submit \$55-00.
- d) Each applicant must have been an Illinois licensed apprentice plumber for at least four years or have submitted evidence that he has successfully completed an approved course of instruction in plumbing as defined in Section 750.3030(4) (a) and (b) of this Part. An applicant for licensing by the Department as an apprentice plumber shall apply on the application form provided by the Department. If the applicant served an apprenticeship, the application shall verify that the applicant was sponsored by an employee of an Illinois licensed plumber and shall contain the name and license number of the sponsor licensed plumber.
- e) Each applicant must submit evidence that he is a citizen of the United States or has declared his intention to become one. (Notarized papers such as "Intent to File for Citizenship Form N-315", "Naturalization

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Paper", shall be submitted to the Department.)  
 f) A person who possesses a current plumber's license or expired license in a state or municipality other than Illinois which does not have reciprocity with Illinois may be admitted to the examination for an Illinois plumber's license if he submits a copy of his license and information required under subsections (i) and (j) below concerning experience in plumbing equivalent to four years licensed apprenticeship. Documents verifying licensure and plumbing experience and training work will be considered on an hour for hour basis toward meeting the apprenticeship requirement of 1400 hours per year. The licensing state or municipality must verify to the Department that the licensed plumber was tested to obtain his license and that the test consisted of at least three areas (See Section 750.3010) - knowledge of plumbing design, practical or working skill evaluation, and knowledge of plumbing standards applicable to the licensing entity's jurisdiction.

g) A person who has been licensed as a plumber for five (5) consecutive years in a municipality or state other than the State of Illinois, that does not have a licensed apprenticeship program, may be admitted to the Illinois plumbing examination upon submission of written documentation and verification of such licensure from the licensing entity. A copy of the rules from the licensing entity pertaining to the licensing of plumbers and apprentice plumbers, must accompany the examination application.

h) An applicant from a foreign country, who holds a foreign plumbing license, shall meet the requirements of subsections (f) or (g) above and shall serve a two (2) year licensed apprenticeship in Illinois before being granted admission to the plumbing examination.

i) A person who submits evidence of experience in plumbing through an apprentice plumbing program in a state or municipality other than the State of Illinois shall be given credit on an hour for hour basis toward the minimum four years apprenticeship required. ~~Credit shall be documented by time--sheets/work--records--from--employers--and--W-2 forms.~~

j) A person who submits evidence of classroom and/or laboratory training in a vocational or trade school, a branch of the military service, or a college or university shall be given credit hours at the rate of two credit hours for each classroom hour toward the minimum 5,600 credit hours required. Evidence shall consist of transcripts, degrees, military service records and/or certificates of completion. If the course submitted by an applicant for the plumbing license examination has already been evaluated and approved by the Department, the applicant need only verify participation in the course.

k) Each applicant must submit evidence that he has completed at least a two-year course of study in a high school or an equivalent course of study.

l) Each applicant who has served an apprenticeship must be able to establish that he was learning by practical experience under the supervision of a licensed plumber as documented in subsection (i)

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above. The term of apprenticeship shall be not less than four years (1400 credited ~~actual~~ working hours per year) to be eligible for admittance to the plumbing exam.

m) Any applicant who fails to comply with the above requirements or lacks the qualifications will have his application for admittance to the examination denied.

(Source: Amended at 17 Ill. Reg. 417, effective December 28, 1992.)

## Section 750.3010 Administration of Plumbing License Examination

a) The examination for a plumber's license shall consist of the following:

1) Written questions (true/false or multiple choice.) Questions will come from the Illinois Plumbing Code or relate to plumbing activities. All applicants shall be required to read the examination questions and write the answers unassisted.

2) Drawings and/or charts. The applicant will be required to finalize charts that show plumbing fixtures and require drainage and vent lines to be indicated.

3) Practical (shop). Projects will be assigned to each applicant requiring copper, cast iron, lead and plastic to be assembled as indicated in the assignment. All three (3) parts of the practical examination shall be completed before any part is eligible for grading.

b) An applicant who is handicapped will be assisted with unloading, carrying, and reloading of tools or equipment; but the applicant must take the examination unassisted.

c) Each applicant will be responsible for providing his own tools and other required material. Each applicant will be advised as to what to bring to the examination.

d) No persons other than the Board, Department staff, and those persons directly associated with the examinee for the transport of necessary equipment, are permitted in the examination area.

e) The maximum grade value of each part of the examination shall be 100 points. An examinee must make an average of 75 or more above on the examination and a grade of 61 or above on each part of the examination to pass.

f) An examinee who fails to pass the examination shall be admitted to a subsequent regularly scheduled exam after filing a new application and fee. Such application and fee shall be submitted in accordance with Section 750.3000 (a), (b), and (c).

g) Examinees who fail to pass the examination for a plumber's license shall retake all parts of the examination.

h) An examinee who is caught cheating during the course of an examination shall be immediately expelled from the examination in progress and shall appear before the Board of Plumbing Examiners and representatives of the Department on the day that such offense occurs.



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The Board shall recommend the examination be declared void and/or a hearing be convened by the Department to suspend the apprentice plumber's license if, by a preponderance of evidence, it is determined that the examinee is guilty of cheating. A written record of the proceedings shall be made and become a part of the examinee's file. The Board shall make as a part of the record its recommendations concerning the disposition of the case to the Department. The Board shall be advised of the final decision of the Department concerning the examinee.

(Source: Amended at 17 Ill. Reg. 417, effective December 28, 1992.)

**Section 750.3055 Plumbers' and Apprentice Plumbers' License Records**

The Department may destroy any record relating to a plumber's license or apprentice plumber's license on which there has been no activity, such as license renewal or restoration, within the previous twenty years.

(Source: Added at 17 Ill. Reg. 417, effective December 28, 1992.)

**SUBPART D: PLUMBING PROGRAM FEES****Section 750.4000 Plumbers' and Apprentice Plumbers' Examination and Licensure Fees**

The applicable fee shall be submitted to the Department with each application for examination or licensure as follows:

Plumber's License Examination Fee	\$100.00
when applicant is licensed as an Apprentice Plumber in Illinois	
Plumber's License Examination Fee	
when applicant is registered or licensed in a state other than Illinois	
Plumber's License Fee (Initial or Renewal)	125.00
Apprentice Plumber's License Fee (Initial or Renewal)	100.00
Late Fee or Reinstatement Fee for any License Renewal (in addition to all lapsed renewal fees)	50.00
Restoration of a Plumber's Expired License Fee (includes the fee for the first examination only)	25.00
Duplicate License Fee	500.00
Fee for a dishonored, negotiable instrument including, but not limited to, returned checks or insufficient payment	25.00
	10.00
(Source: Added at 17 Ill. Reg. 417, effective December 28, 1992.)	

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NOTICE OF ADOPTED AMENDMENT(S)**Section 750.4010 Other Fees**

Copies of the Illinois Plumbing Code may be obtained from the Department. The applicable fee shall be submitted with requests for copies as follows:

- One free copy of the current Illinois Plumbing Code and any subsequent amendments will be provided free of charge to each licensed plumber and licensed apprentice plumber. The fee for subsequent or multiple copies shall be \$20.00 per copy.
- The fee for copies provided to persons other than licensed plumbers and licensed apprentice plumbers shall be \$20.00.
- The fee for a dishonored, negotiable instrument including, but not limited to, returned checks or insufficient payment shall be \$10.00.

(Source: Added at 17 Ill. Reg. 417, effective December 28, 1992.)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Visually Handicapped Institute

2) Code Citation: 89 Ill. Adm. Code 730

3) Section Numbers: Adopted Action:

730.700 Repealed

4) Statutory Authority: Implementing and authorized by Sections 3 (b), (f), and (k) of the Disabled Persons Rehabilitation Acts (Ill. Rev. Stat. 1991, ch.23, pars 3434 (b), (f), and (k) and 3443).

5) Effective Date of Rule(s) (Amendments, Repealer): December 18, 1992

6) Does this rulemaking contain an automatic repeal date?  
 \_\_\_ Yes X No

7) Does this rule (amendment, repealer) contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 18, 1992

9) Notice of Proposal Published in Illinois Register:

July 6, 1992, 16 Ill. Reg. 10397  
 (issue date)

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? NO If answer is "yes," please complete the following:

A) Statement of Objection: (issue date), \_\_\_ Ill. Reg. \_\_\_

B) Agency Response: (issue date), \_\_\_ Ill. Reg. \_\_\_

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: None  
 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Will this rule replace an Emergency Rule(s) currently in effect? No

Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

Summary and Purpose of Rule(s): Repeal of the section, as the information regarding appeals at the Illinois Visually Handicapped Institute (IVHI) has been added to 89 Ill. Adm. Code 510.

Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warrner, Manager  
 Regulations and Procedures Division  
 Department of Rehabilitation Services  
 P.O. Box 19429  
 Springfield, Illinois 62794-9429  
 Telephone number: (217) 785-3896  
 T.D.D./T.T.: (217) 785-9301

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Revised Uniform Limited Partnership Act
- 2) Code Citation: 14 Ill. Adm. Code 170
- 3) Section numbers: Adopted Action:  
170.20 Amendment
- 4) Statutory Authority: Implementing and authorized by the Revised Uniform Limited Partnership Act (Ill. Rev. Stat. 1991, ch. 106 1/2, pars. 151-1 et seq.)
- 5) Effective Date of Amendment: January 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? N/A
- 8) Date Filed in Agency's Principal Office: January 1, 1993
- 9) Notice of Proposal Published in Illinois Register:

16 Ill. Reg. 13784 - September 11, 1992

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version:

No changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable. No changes were required.

- 13) Will these amendments replace an emergency rule amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: The subjects are entities other than natural persons which must show evidence of legal existence to ensure proper use and description of that entity.

The issue is the improper filing by a non-resident entity thus becomes a moot point. This action will spur additional revenue by non-conforming entities.

## NOTICE OF ADOPTED AMENDMENT(S)

- 16) Information and questions regarding these adopted amendments shall be directed to:

Richard Robinson  
Department of Business Services  
Office of the Secretary of State  
320 Howlett Building  
Springfield, Illinois 62756

The full text of the Adopted Amendments begins on the next page:



SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE  
SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER I: SECRETARY OF STATE

PART 170  
REVISED UNIFORM LIMITED PARTNERSHIP ACT

Section

- 170.10 Definitions
- 170.11 Filing Locations
- 170.12 Business Hours
- 170.13 Fees
- 170.14 Service of Process
- 170.15 Additional Requirements for Forms
- 170.16 Assumed Names
- 170.17 Sale of Information
- 170.20 Filing Requirements
- 170.30 Refunds

AUTHORITY: Implementing and authorized by the Revised Uniform Limited Partnership Act (Ill. Rev. Stat. 1991, ch. 106½, pars. 151-1 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 10314, effective July 1, 1987; amended at 14 Ill. Reg. 1480, effective January 15, 1990; amended at 16 Ill. Reg. 11196, effective July 1, 1992; amended at 17 Ill. Reg. 427, effective January 1, 1993.

Section 170.20 Filing Requirements

- a) Corporations serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:

- 1) a domestic corporation shall be in good standing in Illinois and the partnership registration application shall be executed by a corporate officer.
- 2) a foreign corporation qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a corporate officer.
- 3) a foreign corporation not qualified in Illinois shall be in good standing in its state of formation and provide a certificate to that effect of such state or jurisdiction with the partnership registration application which shall be executed by a corporate officer.

- b) Limited partnerships serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:

- 1) a domestic limited partnership must be in good standing in Illinois and the partnership registration application shall be executed by a general partner.
- 2) a foreign limited partnership qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a general partner.
- 3) a foreign limited partnership not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect of such state or jurisdiction with the partnership registration application which shall be executed by a general partner.

- c) General partnerships serving as general partners in limited partnerships must comply with the following requirements:

- 1) both domestic and foreign general partnerships must identify their state of formation, the county of their formation, and their office of records address.
- 2) all partners are to be identified by name and those partners which are partnerships or corporations, or other non-personal entities, shall provide documentation of their existence in good standing in the states of formation or organization.

- 3) only one partner of a general partnership need execute any documents required by this Part on the RULPA for filing with the Department.

- d) A trust serving as general partners in limited partnerships must comply with the following requirement: provide to the Secretary of State evidence of existence by a copy of the trust agreement and statement of trustee, dated and executed.

- e) Estates serving as general partners in limited partnerships must comply with the following requirement: provide the Secretary of State evidence of existence by a copy of the relevant court order, dated and executed.

- f) All entities, other than natural persons, serving as general partners in limited partnerships must provide evidence of its existence upon request of the Secretary of State.

## NOTICE OF ADOPTED AMENDMENT(S)

1) Entities, other than natural persons, serving as general partners in limited partnerships shall comply with the following:

- 1) any sole general partner of a domestic limited partnership or foreign limited partnership must be qualified in Illinois.
- 2) where there are two or more general partners of a limited partnership or foreign limited partnership, all general partners using an Illinois address must be qualified in Illinois. Those general partners with a foreign address and not qualified in Illinois shall provide a certificate of good standing from their state of formation. At all times there will be at least one Illinois qualified general partner in good standing with the Office of the Secretary of State in order to file and remain in good standing.

d)h) Any foreign limited partnership shall submit a certificate of existence issued by the state of organization when the foreign limited partnership files its admission to transact business pursuant to Section 902 of the RULPA. The Department shall reject any proposed filing which does not contain the certificate of existence or good standing issued by the state of organization.

e)i) When a limited partnership is a general partner in a newly limited partnership, or when the limited partnership is substituted by amendment as a general partner, then the name of the limited partnership shall be written, typed or printed in the space for the general partner on the certificate of authority or amendments to the certificate.

(Source: Amended at 17 Ill. Reg. 427, effective January 1, 1993)

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF EMERGENCY RULES

1) Heading of the Part: Health Care Worker Self-Referral

2) Code Citation: 77 Ill. Adm. Code 1235

3) Section Numbers: Emergency Action:

1235.10	New Section
1235.20	New Section
1235.30	New Section
1235.40	New Section
1235.50	New Section
1235.100	New Section
1235.200	New Section
1235.210	New Section
1235.220	New Section
1235.230	New Section
1235.240	New Section
1235.300	New Section
1235.310	New Section

4) Statutory Authority:

Health Care Worker Self-Referral Act Public Act 87-1207  
(effective January 1, 1993)

5) Effective Date of Amendments: January 4, 1993

6) If this Emergency Amendment is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire:

7) Date Filed in Agency's Principal Office:

January 4, 1993

8) Reason for Emergency:

On October 3, 1992 the Health Care Worker Self-Referral was signed by the Governor. This Act establishes the mandate for the Facilities Planning Board to establish regulation designed to prevent health care workers from referring patients to an entity in which the health care worker has a financial interest. The focus of the Act is to prevent the potential conflict of interest occurring under this form of referral arrangement.

9) A Complete Description of the Subjects and Issues Involved:

Sections 1235.10 through 1235.40 detail the authority for this rulemaking, the stated purpose of the Act and the applicability of the regulations. Section 1235.50 provides basic definitions for the rules. Section 1235.100 details the statutory language on what types of referrals are prohibited. In Sections 1235.200, 210, 220, 230 and 240 an exception to the prohibited

HEALTH FACILITIES PLANNING BOARD  
NOTICE OF EMERGENCY RULES

referrals is detailed. These sections require an applicant to address issues of need and alternative financing and detail both the application for exception process and assurances that must be made by the applicant. Section 1235.300 established a process for the State Board to provide an advisory opinion as to compliance with the Act.

10) Are There Any Proposed Amendments Pending on this Part?

Yes ☐ No ☒

11) Statement of Statewide Policy Objectives:

These rules establish a process to prevent the referral of a patient to an entity by a health care worker when that worker is the owner or part owner of the referral entity. These rules will have no impact on local government.

12) Information and Questions Regarding these Rules shall be directed to:

Phillip Garner  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761  
217/782-3516

The full text of the Emergency Rules begins on the next page:

HEALTH FACILITIES PLANNING BOARD

NOTICE OF EMERGENCY RULES

TITLE 77: PUBLIC HEALTH  
CHAPTER II: HEALTH FACILITIES PLANNING BOARD  
SUBCHAPTER b: OTHER BOARD RULES

PART 1235

HEALTH CARE WORKER SELF-REFERRAL

SUBPART A: AUTHORITY, PUBLIC HEARINGS, PURPOSE AND DEFINITIONS

Section	Statutory Authority
1235.10	EMERGENCY
1235.20	Public Hearings
EMERGENCY	
1235.30	Purpose
EMERGENCY	
1235.40	Applicability
EMERGENCY	
1235.50	Definitions
EMERGENCY	

SUBPART B: REFERRALS

Section	Prohibited Referrals
1235.100	EMERGENCY

SUBPART C: COMMUNITY NEED EXCEPTION

Section	Introduction
1235.200	EMERGENCY
1235.210	Community Need
EMERGENCY	
1235.220	Alternative Financing
EMERGENCY	
1235.230	Assurances
EMERGENCY	
1235.240	Application for Exception

SUBPART D: STATE BOARD ADVISORY OPINIONS

Section	Introduction
1235.300	EMERGENCY
1235.310	Request for Opinion
EMERGENCY	



HEALTH FACILITIES PLANNING BOARD

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**AUTHORITY:** Implementing and authorized by the Health Care Self-Referral Act (Public Act 87-1207, effective January 1, 1993.)

**SOURCE:** Emergency rule adopted 17 Ill. Reg. 432, effective January 4, 1993, for a maximum of 150 days.

**NOTE:** Capitalization denotes statutory language or paraphrase thereof.

SUBPART A: AUTHORITY, PUBLIC HEARINGS, PURPOSE AND DEFINITIONS

Section 1235.10  
EMERGENCY Statutory Authority

This Part is promulgated by authority granted to the Illinois Health Facilities Planning Board (State Board or Board) under the Illinois Health Facilities Planning Act, (Planning Act), as amended (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et. seq.) and under Public Act 87-1207, the Health Care Worker Self-Referral Act.

Section 1235.20  
EMERGENCY Public Hearings

In accordance with the provision of Section 12 of the Health Facilities Planning Act, public hearings on this Part will be held on February 17, 1993. Copies of the public hearing record will be available for inspection at the headquarters of the State Board at 525 West Jefferson Street, Springfield, Illinois 62761.

Section 1235.30  
EMERGENCY Purpose

"THE GENERAL ASSEMBLY RECOGNIZES THAT PATIENT REFERRALS BY HEALTH CARE WORKERS FOR HEALTH SERVICES TO AN ENTITY IN WHICH THE REFERRING HEALTH CARE WORKER HAS AN INVESTMENT INTEREST MAY PRESENT A POTENTIAL CONFLICT OF INTEREST....IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE GUIDANCE TO HEALTH CARE WORKERS REGARDING ACCEPTABLE PATIENT REFERRALS, TO PROHIBIT PATIENT REFERRALS TO ENTITIES PROVIDING HEALTH SERVICES IN WHICH THE REFERRING HEALTH CARE WORKER HAS AN INVESTMENT INTEREST, AND TO PROTECT THE CITIZENS OF ILLINOIS FROM UNNECESSARY AND COSTLY HEALTH CARE EXPENDITURES....IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY TO LIMIT APPROPRIATE DELIVERY OF CARE, NOR FORCE UNNECESSARY CHANGES IN THE STRUCTURES CREATED BY WORKERS FOR THE HEALTH AND CONVENIENCE OF THEIR PATIENTS. (Section 5 of the Act)

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Section 1235.40  
EMERGENCY Applicability

The Act applies TO REFERRALS FOR HEALTH SERVICES MADE ON OR AFTER JANUARY 1, 1993. HOWEVER, IF A HEALTH CARE WORKER ACQUIRED AN INVESTMENT INTEREST BEFORE JULY 1, 1993 THIS ACT SHALL NOT APPLY TO REFERRALS MADE FOR HEALTH SERVICES BEFORE JANUARY 1, 1996. (Section 10 of the Act)

Section 1235.50  
EMERGENCY Definitions

The following definitions shall apply to the terms used in this Part:

"BOARD OR STATE BOARD" MEANS THE HEALTH FACILITIES PLANNING BOARD. (Section 15 of the Act)

"COMMUNITY" MEANS A METROPOLITAN AREA FOR A CITY, AND A COUNTY FOR A RURAL AREA. (Section 15 of the Act)

"ENTITY" MEANS ANY INDIVIDUAL, PARTNERSHIP, FIRM, CORPORATION, OR OTHER BUSINESS THAT PROVIDES HEALTH SERVICES BUT DOES NOT INCLUDE AN INDIVIDUAL WHO IS A HEALTH CARE WORKER WHO PROVIDES PROFESSIONAL SERVICES TO AN INDIVIDUAL. (Section 15 of the Act)

"GROUP PRACTICE" MEANS A GROUP OF 2 OR MORE HEALTH CARE WORKERS LEGALLY ORGANIZED AS A PARTNERSHIP, PROFESSIONAL CORPORATION, NOT-FOR-PROFIT CORPORATION, FACULTY PRACTICE PLAN OR A SIMILAR ASSOCIATION IN WHICH ANY OF THE FOLLOWING OCCURS:

EACH HEALTH CARE WORKER WHO IS A MEMBER OR EMPLOYEE OR AN INDEPENDENT CONTRACTOR OF THE GROUP PROVIDES SUBSTANTIALLY THE FULL RANGE OF SERVICES THAT THE HEALTH CARE WORKER ROUTINELY PROVIDES, INCLUDING CONSULTATION, DIAGNOSIS, OR TREATMENT, THROUGH THE USE OF OFFICE SPACE, FACILITIES, EQUIPMENT, OR PERSONNEL OF THE GROUP;

THE SERVICES OF THE HEALTH CARE WORKERS ARE PROVIDED THROUGH THE GROUP, AND PAYMENTS RECEIVED FOR HEALTH SERVICES ARE TREATED AS RECEIPTS OF THE GROUP;

THE OVERHEAD EXPENSES AND THE INCOME FROM THE

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PRACTICE ARE DISTRIBUTED BY METHODS PREVIOUSLY DETERMINED BY THE GROUP. (Section 15 of the Act)

"HEALTH CARE WORKER" MEANS ANY INDIVIDUAL LICENSED UNDER THE LAWS OF THIS STATE TO PROVIDE HEALTH SERVICES, INCLUDING BUT NOT LIMITED TO: DENTISTS LICENSED UNDER THE ILLINOIS DENTAL PRACTICE ACT; DENTAL HYGIENISTS LICENSED UNDER THE ILLINOIS DENTAL PRACTICE ACT; NURSES LICENSED UNDER THE ILLINOIS NURSING ACT OF 1987; OCCUPATIONAL THERAPISTS LICENSED UNDER THE ILLINOIS OCCUPATIONAL THERAPY PRACTICE ACT; OPTOMETRISTS LICENSED UNDER THE ILLINOIS OPTOMETRIC PRACTICE ACT OF 1987; PHARMACISTS LICENSED UNDER THE PHARMACY PRACTICE ACT OF 1987; PHYSICAL THERAPISTS LICENSED UNDER THE ILLINOIS PHYSICAL THERAPY ACT; PHYSICIANS LICENSED UNDER THE MEDICAL PRACTICE ACT OF 1987; PHYSICIAN ASSISTANTS LICENSED UNDER THE PHYSICIAN ASSISTANT PRACTICE ACT OF 1987; PODIATRISTS LICENSED UNDER THE PODIATRIC MEDICAL PRACTICE ACT OF 1987; CLINICAL PSYCHOLOGISTS LICENSED UNDER THE CLINICAL PSYCHOLOGIST LICENSING ACT; CLINICAL SOCIAL WORKERS LICENSED UNDER THE CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT; SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS LICENSED UNDER THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT; OR HEARING AID DISPENSERS LICENSED UNDER THE HEARING AID CONSUMER PROTECTION ACT OR ANY OF THEIR SUCCESSOR ACTS. (Section 15 of the Act)

"HEALTH SERVICES" MEANS HEALTH CARE PROCEDURES AND SERVICES PROVIDED BY OR THROUGH A HEALTH CARE WORKER. (Section 15 of the Act)

"IMMEDIATE FAMILY MEMBER" MEANS A HEALTH CARE WORKER'S SPOUSE, CHILD, CHILD'S SPOUSE, OR A PARENT. (Section 15 of the Act)

"INVESTMENT INTEREST" MEANS AN EQUITY OR DEBT SECURITY ISSUED BY AN ENTITY, INCLUDING, WITHOUT LIMITATION, SHARES OF STOCK IN A CORPORATION, UNITS OR OTHER INTERESTS IN A PARTNERSHIP, BONDS, DEBENTURES, NOTES, OR OTHER EQUITY INTERESTS OR DEBT INSTRUMENTS EXCEPT THAT INVESTMENT INTEREST DOES NOT INCLUDE INTEREST IN A HOSPITAL LICENSED UNDER THE LAWS OF THE STATE OF ILLINOIS. (Section 15 of the Act)

"INVESTOR" MEANS AN INDIVIDUAL OR ENTITY DIRECTLY OR INDIRECTLY OWNING A LEGAL OR BENEFICIAL OWNERSHIP OR INVESTMENT INTEREST, (SUCH AS THROUGH AN IMMEDIATE FAMILY

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MEMBER, TRUST, OR ANOTHER ENTITY RELATED TO THE INVESTOR). (Section 15 of the Act)

"Metropolitan Area" means a geographically identified area consisting of community areas or townships (as applicable) not to exceed a population of 50,000 people.

"OFFICE PRACTICE" INCLUDES THE FACILITY OR FACILITIES AT WHICH A HEALTH CARE WORKER, ON AN ONGOING BASIS, PROVIDES OR SUPERVISES THE PROVISION OF PROFESSIONAL HEALTH SERVICES TO INDIVIDUALS. (Section 15 of the Act)

"REFERRAL" MEANS ANY REFERRAL OF A PATIENT FOR HEALTH SERVICES, INCLUDING, WITHOUT LIMITATION:

THE FORWARDING OF A PATIENT BY ONE HEALTH CARE WORKER TO ANOTHER HEALTH CARE WORKER OR TO AN ENTITY OUTSIDE THE HEALTH CARE WORKER'S OFFICE PRACTICE OR GROUP PRACTICE THAT PROVIDES HEALTH SERVICES.

THE REQUEST OR ESTABLISHMENT BY A HEALTH CARE WORKER OF A PLAN OF CARE OUTSIDE THE HEALTH CARE WORKER'S OFFICE PRACTICE OR GROUP PRACTICE THAT INCLUDES THE PROVISION OF ANY HEALTH SERVICES. (Section 15 of the Act)

"Rural Area" means any geographic area located outside a metropolitan statistical area as defined by the U.S. Census Bureau.

SUBPART B: REFERRALS

Section 1235.100 Prohibited Referrals  
EMERGENCY

All patient referrals are allowable under the Act except the following patient referrals which are prohibited:

a) patient referrals TO AN ENTITY OUTSIDE THE HEALTH CARE WORKER'S OFFICE OR GROUP PRACTICE IN WHICH THE HEALTH CARE WORKER IS AN INVESTOR, UNLESS:

- (1) THE HEALTH CARE WORKER DIRECTLY PROVIDES HEALTH SERVICES WITHIN THE ENTITY AND WILL BE PERSONALLY INVOLVED WITH THE PROVISION OF CARE TO THE REFERRED PATIENT (Section 20 of the Act), or

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- (2) the State Board approves an exception pursuant to Section 1235.200;
- b) patient REFERRALS TO ANOTHER HEALTH CARE WORKER OR ENTITY BASED UPON THE CONDITION THAT THE HEALTH CARE WORKER OR ENTITY WILL MAKE REFERRALS WITH AN INTENT TO EVADE THE PROHIBITIONS OF THE SELF-REFERRAL ACT BY INDUCING PATIENT REFERRALS WHICH WOULD BE PROHIBITED IF THE HEALTH CARE WORKER OR ENTITY MADE THE REFERRAL DIRECTLY (Section 20 of the Act);
- c) patient referrals to a publicly traded entity in which the health care worker has an investment interest that does not comply with the following provisions:
- (1) THE ENTITY IS LISTED FOR TRADING ON THE NEW YORK STOCK EXCHANGE OR ON THE AMERICAN STOCK EXCHANGE, OR IS A NATIONAL MARKET SYSTEM SECURITY TRADED UNDER AN AUTOMATED INTER-DEALER QUOTATION SYSTEM OPERATED BY THE NATIONAL ASSOCIATION OF SECURITIES DEALERS (Section 20 of the Act): and
  - (2) THE ENTITY HAD, AT THE END OF THE CORPORATION'S MOST RECENT FISCAL YEAR, TOTAL NET ASSETS OF AT LEAST \$30,000,000 RELATED TO THE FURNISHING OF HEALTH SERVICES (Section 20 of the Act): and
  - (3) ANY INVESTMENT INTEREST OBTAINED AFTER JANUARY 1, 1993 IS TRADED ON THE EXCHANGES LISTED IN SECTION 1235.100.C.1 ABOVE AFTER THE ENTITY BECAME A PUBLICLY TRADED CORPORATION (Section 20 of the Act): and
  - (4) THE ENTITY MARKETS OR FURNISHES ITS SERVICES TO REFERRING HEALTH CARE WORKER INVESTORS AND OTHER HEALTH CARE WORKERS ON EQUAL TERMS (Section 20 of the Act): and
  - (5) ALL STOCK HELD IN SUCH PUBLICLY TRADED COMPANIES, INCLUDING STOCK HELD IN THE PREDECESSOR PRIVATELY HELD COMPANY, SHALL BE OF ONE CLASS WITHOUT PREFERENTIAL TREATMENT AS TO STATUS OR REMUNERATION (Section 20 of the Act): and
  - (6) THE ENTITY DOES NOT LOAN FUNDS OR GUARANTEE ANY LOANS FOR HEALTH CARE WORKERS WHO ARE IN A POSITION TO BE

## HEALTH FACILITIES PLANNING BOARD

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REFERRED TO AN ENTITY (Section 20 of the Act): and

- (7) THE INCOME ON THE HEALTH CARE WORKER'S INVESTMENT IS TIED TO THE HEALTH CARE WORKER'S EQUITY IN THE ENTITY RATHER THAN TO THE VOLUME OF REFERRALS MADE (Section 20 of the Act): and
- (8) THE INVESTMENT INTEREST DOES NOT EXCEED 1/2 OF 1% OF THE ENTITY'S TOTAL EQUITY. (Section 20 of the Act)

## SUBPART C: COMMUNITY NEED EXCEPTION

Section 1235.200  
EMERGENCY

## Introduction

One of the stated goals of the Health Care Worker Self-Referral Act is to "PROHIBIT PATIENT REFERRALS TO ENTITIES PROVIDING HEALTH SERVICES IN WHICH THE REFERRING HEALTH CARE WORKER HAS AN INVESTMENT INTEREST". This provision can be tempered through the use of an exception for community need. As a concept community need can be segmented into two principle components; need for a particular service and the existence and availability of alternative financing. An applicant for a community need exception must document compliance with both principle components.

Section 1235.210  
EMERGENCY

## Community Need

- a) A health care worker may invest in and refer to an entity if the State Board determines that in a referral arrangement alternative financing does not exist and that a demonstrated need for the service is present in the community.
- b) The health care worker must document any of the following to demonstrate community need:
- 1) there is no other entity within the community that provides the medical service proposed; or
  - 2) if the health service currently exists within the community, the use of these facilities can be shown to be a hardship for patients due to factors such as excessive (over 45 minutes) travel time to obtain service, existing admission or treatment policies of other entities which restrict the availability of the service or perceived quality concerns by the general public involving existing providers which restrict the use of such services; and in the case of medical equipment,



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- 3) the existing entity or the entity to be formed to own or lease medical equipment which will;
- A) replace obsolete equipment in a hospital as documented by excessive downtime and high maintenance costs; or
- B) represents an advancement in technology which will make available medical procedures not possible on existing equipment; and
- C) is located within a community within a designated health manpower shortage area.

Section 1235.220  
EMERGENCY

Alternative Financing

A health care worker may invest in and refer to an entity if the State Board determines a demonstrated community need exists and that alternative financing is not or was not available. The health care worker must document that INDIVIDUALS WHO ARE NOT IN A POSITION TO REFER PATIENTS TO AN ENTITY ARE OR WERE GIVEN A BONA FIDE OPPORTUNITY TO ALSO INVEST IN THE ENTITY ON THE SAME TERMS AS THOSE OFFERED A REFERRING HEALTH CARE WORKER and that such investment was not forthcoming. Documentation shall consist of copies of all information that supports this position.

Section 1235.230  
EMERGENCY

Assurances

In addition to documenting compliance with 1235.210 and 1235.220, a health care worker must document compliance with the assurances and conditions of this rule. Documentation shall consist of a written profile as to how compliance will occur and copies of all supporting documentation. Assurances and conditions are:

- a) That NO HEALTH CARE WORKER WHO INVESTS SHALL BE REQUIRED OR ENCOURAGED TO MAKE REFERRALS TO THE ENTITY OR OTHERWISE GENERATE BUSINESS AS A CONDITION OF BECOMING OR REMAINING AN INVESTOR; and
- b) That THE ENTITY SHALL MARKET OR FURNISH ITS SERVICES TO REFERRING HEALTH CARE WORKER INVESTORS AND OTHER INVESTORS ON EQUAL TERMS; and
- c) That THE ENTITY SHALL NOT LOAN FUNDS OR GUARANTEE ANY LOANS FOR HEALTH CARE WORKERS WHO ARE IN A POSITION TO REFER TO AN ENTITY; and

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- d) That THE INCOME ON THE HEALTH CARE WORKER'S INVESTMENT SHALL BE TIED TO THE HEALTH CARE WORKER'S EQUITY IN THE FACILITY RATHER THAN TO THE VOLUME OF REFERRALS MADE; and
- e) That ANY INVESTMENT CONTRACT BETWEEN THE ENTITY AND THE HEALTH CARE WORKER SHALL NOT INCLUDE ANY COVENANT OR NON-COMPETITION CLAUSE THAT PREVENTS A HEALTH CARE WORKER FROM INVESTING IN OTHER ENTITIES; and
- f) That WHEN MAKING A REFERRAL, A HEALTH CARE WORKER MUST DISCLOSE HIS INVESTMENT INTEREST IN AN ENTITY TO THE PATIENT BEING REFERRED TO SUCH ENTITY. IF ALTERNATIVE FACILITIES ARE REASONABLY AVAILABLE, THE HEALTH CARE WORKER MUST PROVIDE THE PATIENT WITH A LIST OF ALTERNATIVE FACILITIES. THE HEALTH CARE WORKER SHALL INFORM THE PATIENT THAT THEY HAVE THE OPTION TO USE AN ALTERNATIVE FACILITY OTHER THAN ONE IN WHICH THE HEALTH CARE WORKER HAS AN INVESTMENT INTEREST AND THE PATIENT WILL NOT BE TREATED DIFFERENTLY BY THE HEALTH CARE WORKER IF THE PATIENT CHOOSES TO USE ANOTHER ENTITY. THIS SHALL BE APPLICABLE TO ALL HEALTH CARE WORKER INVESTORS, INCLUDING THOSE WHO PROVIDE DIRECT CARE OR SERVICES FOR THEIR PATIENTS IN ENTITIES OUTSIDE THEIR OFFICE PRACTICES; and
- g) That IF A THIRD PARTY PAYOR REQUESTS INFORMATION WITH REGARD TO A HEALTH CARE WORKER'S INVESTMENT INTEREST, THE SAME SHALL BE DISCLOSED; and
- h) That THE ENTITY SHALL ESTABLISH AN INTERNAL UTILIZATION REVIEW PROGRAM TO ENSURE THAT INVESTING HEALTH CARE WORKERS PROVIDED APPROPRIATE OR NECESSARY UTILIZATION; and
- i) That IF A HEALTH CARE WORKER'S FINANCIAL INTEREST IN AN ENTITY IS INCOMPATIBLE WITH A REFERRED PATIENT'S INTEREST, THE HEALTH CARE WORKER SHALL MAKE ALTERNATIVE ARRANGEMENTS FOR THE PATIENT'S CARE; and
- j) That all documentation required by the State Board to confirm that all assurances have been met will be provided upon request for a period of two years following exception issuance.

HEALTH FACILITIES PLANNING BOARD

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- a) Each application for exception must be submitted to the State Board in writing at the offices of the Executive Secretary, 525 W. Jefferson Street, Springfield, IL 62761. The application will be declared complete upon receipt.
- b) The State Board shall have 90 days from the date of application receipt in which to make a determination as to approve or deny an application. Failure to act by the State Board on an application within the 90 day review period shall constitute approval of the application.
- c) Approval of an application for exception requires seven affirmative votes and shall be based on a finding by the State Board that the health care worker has documented compliance with the provisions of this sub-part. State Board action shall be to approve the exception. Failure to obtain seven affirmative votes shall constitute denial of the application.
- d) During the course of application review the State Board may determine that supplemental information is required to make its decision. The State Board may request of the health care worker such information and defer action on the application to a later date. The State Board cannot defer action beyond the 90 day review period.
- e) If granted, an exception shall be issued to the applicant health care worker for referral of patients to the specific entity identified in the application for exception.
- f) Action taken by the State Board on an application for exception is its final administrative decision and shall be subject to the provisions of the Administrative Review Law.

SUBPART D: STATE BOARD ADVISORY OPINIONS

Section 1235.300  
EMERGENCY Introduction

Health care workers may request an advisory opinion from the State Board regarding whether a referral to an existing or proposed entity does or does not violate the provisions of the Self-Referral Act. Such a request must involve an entity with which the health care worker currently has or anticipates to have a financial involvement.

Section 1235.310  
EMERGENCY Request for Opinion

- a) A request for opinion must be made in writing and submitted to the office of the Executive Secretary, 525 W. Jefferson, Springfield, IL. Each request is complete upon receipt and must contain:

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- 1) Name and identifying information of the health care worker requesting the opinion;
  - 2) Identification of the entity and description of the health care services being provided or proposed by or through the entity;
  - 3) The type and amount of existing or proposed investment interest in the entity;
  - 4) A description of the nature of the investment interest and copies of any existing or proposed documents between the health care worker and the entity including but not limited to such items as leases or contracts etc.
  - 5) Certification and notarized signature from the health care worker or an authorized representative requesting the opinion.
- b) The State Board shall have 90 days from the date of request receipt in which to issue an advisory opinion as to violation of the Self-Referral Act. Seven affirmative votes shall be required for the Board to adopt an advisory opinion. Failure to obtain seven affirmative votes shall result in a position of no opinion.
- c) The State Board opinion shall be presumptively correct. Failure to render such an opinion within 90 days shall create a rebuttable presumption that a referral described in the completed advisory opinion request is not or will not be a violation of the Self-Referral Act.
- d) During the course of review, the State Board may determine that supplemental information is required to make its decision. The State Board may request such information and defer action on the request to a later date occurring within the 90 day review period.

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- 1) Heading of Part: Electronic Filing of Illinois Individual Income Tax Returns
- 2) Code Citation: 86 Ill. Adm. Code 105
- 3) Section Numbers:

<u>Emergency Action:</u>	
105.100	New Section
105.110	New Section
105.120	New Section
105.200	New Section
105.210	New Section
105.220	New Section
105.230	New Section
105.300	New Section
105.310	New Section
105.320	New Section
105.330	New Section
105.340	New Section
105.400	New Section
105.410	New Section
105.420	New Section
105.430	New Section
105.440	New Section
105.450	New Section
105.460	New Section
105.470	New Section
105.500	New Section
105.510	New Section
105.520	New Section
105.600	New Section
105.700	New Section
105.800	New Section
105.810	New Section
105.900	New Section
105.910	New Section
105.920	New Section
105.1000	New Section
105.1010	New Section
- 4) Statutory Authority: The Illinois Income Tax Act, Ill. Rev. Stat. 1991, ch. 120, par. 1-101 et seq., as amended by P.A. 87-879.
- 5) Effective Date of Amendments: January 1, 1993.
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

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- 7) Date filed in Agency's Principal Office: December 22, 1992
- 8) Reason for Emergency: P.A. 87-879 amends the Illinois Income Tax Act, effective January 1, 1993, to grant the Department of Revenue specific authority to adopt rules to implement a program of electronic filing of income tax returns. Due to the necessary detail and complexity of rules governing electronic filing, the Department was unable to develop and adopt permanent rules in time for the next income tax filing season, which will begin on January 1, 1993. The Department would also be unable to operate the electronic filing program without having rules in place. The failure to adopt emergency rules would be a threat to the public interest in that absent the emergency rules implementation of the electronic filing program could be delayed. This delay would preclude individuals from filing income tax returns electronically, which would require the Department of Revenue to process more paper returns than would be otherwise required, which could slow down the processing of income tax returns, the payment of refunds and the payment by taxpayers of balances due the State of Illinois.
- 9) A. Complete Description of the Subjects and Issues Involved: This rulemaking details requirements for participation in the electronic filing of individual income tax returns. The rules explain the composition of an electronic return and explain the various participants in the program, with reference to taxpayers, electronic return originators, transmitters and computer software developers. The rule details requirements for participation in the electronic filing program and the standards utilized by the Department in granting acceptance into the program. The rule sets forth information on the types of returns that may be filed, the nature of the data that may be transmitted electronically, as well as the information that must be submitted on paper. Finally, the rules provide transmission procedures for participants, set forth advertising standards and contain the Department's monitoring and suspension standards.
- 10) Are there any proposed amendments to this Part pending: No
- 11) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 12) Information and questions regarding this amendment shall be directed to:

Constance W. Beard  
Manager  
Illinois Department of Revenue  
Legal Services Bureau  
101 West Jefferson  
Springfield, Illinois 62708



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Phone: (217) 785-8256

The full text of the Emergency Amendments begins on the next page:

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 105

ELECTRONIC FILING OF ILLINOIS INDIVIDUAL INCOME TAX RETURNS

SUBPART A: ELECTRONIC RETURNS

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105.120

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Exclusions from Electronic Filing  
Where to Send Electronic Returns

SUBPART B: ELECTRONIC FILING PARTICIPANTS

Section  
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Categories of Electronic Filers  
Types of Electronic Filers  
Ways to Participate in Electronic Filing  
Responsibilities of Electronic Filers

SUBPART C: APPLICATIONS

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**SUBPART G: INFORMATION ELECTRONIC FILERS MUST PROVIDE TO THE TAXPAYER**

Section 105.700 Information and Material to be Provided to the Taxpayer

**SUBPART H: TRANSMISSION PROCEDURES**

Section 105.800 Overview of Transmission Procedures  
105.810 Acknowledgement of Electronic Returns

**SUBPART I: ADVERTISING STANDARDS**

Section 105.900 Advertising Restrictions  
105.910 Media Communications  
105.920 Endorsement

**SUBPART J: MONITORING AND SUSPENSION**

Section 105.1000 Monitoring  
105.1010 Suspension

**AUTHORITY:** Implementing and authorized by the Illinois Income Tax Act, Ill. Rev. Stat. 1991, ch. 120, par. 1-101 et seq., as amended by P.A. 87-879.

**SOURCE:** Emergency rules adopted at 17 Ill. Reg. 445, effective January 1, 1993, for a maximum of 150 days.

**SUBPART A: ELECTRONIC RETURNS****Section 105.100 Composition of an Electronic Return**

- a) An electronic return consists of data transmitted to the Department electronically, and paper documents that contain information which cannot be electronically transmitted or are requested for verification. For example, taxpayer signatures and Forms W-2. In total, electronic returns contain the same information as traditionally filed paper documents.
- b) The following forms and schedules can be transmitted electronically:
  - 1) IL-1040 Illinois Individual Income Tax Return,
  - 2) Schedule NR Non-resident and Part-Year Resident, Computation of Illinois Tax (Individual),
  - 3) W-2 Wage and Tax Statement,

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- 4) W-2G Statement for Certain Gambling Winnings,
- 5) 1099-R Total Distributions from Profit-sharing, Retirement Plans, Individual Retirement Arrangements, Insurance Contracts, Etc.,
- 6) US 1040 U.S. Individual Income Tax Return, and
- 7) US Schedule B Interest and Dividend Income.

c) The non-electronic portion of the return consists of the following:

- 1) Form IL-8453, Illinois Individual Income Tax Electronic Filing Declaration; required for all electronic returns (see Subpart E),
- 2) Copy 2 of Forms W-2, W-2G or 1099-R that would normally be attached to the front of a paper return. These must be attached to the front of Form IL-8453.

**NOTE:** Substitute wage and tax statement forms (U.S. 4852 or IL-4852) cannot be submitted in lieu of Forms W-2, W-2G, and 1099-R.

- 3) Required support of IL-1040 line entries for other additions or military pay subtraction, and other information documents that are voluntarily being included with the return by the taxpayer as supporting material. These documents must be attached to the back of Form IL-8453, and
- 4) A copy of the paper tax return signed by the paid preparer when the electronic filer transmits a return that was prepared by another tax preparer. This must be attached to the back of the IL-8453.

**Section 105.110 Exclusions from Electronic Filing**

The following types of returns are excluded from electronic filing:

- a) Returns from individuals or firms who have not been accepted as electronic return originators or transmitters. (See Section 105.200)
- b) Returns requiring forms or schedules not listed in Section 105.100(b). These exclusions can be identified by amounts on the following IL-1040 return lines:

- |    |  |
|----|--|
| 1) | Other Subtractions   |
| 2) | Credit for Taxes Paid to Other States  |
| 3) | Tax Credits from Schedule 1299-C   |
| 4) | IL-2210 Penalty  |
| c) | Returns that include Internal Revenue Service (IRS) or Illinois forms 4852, or any other substitute wage and tax statement used to verify withholding; |
| d) | Returns that require attachments other than IRS Form 1040, Page 1, to verify IL-1040 subtractions for federally taxed retirement and Social Security;  |
| e) | Returns that require attachments other than IRS Schedule B, to verify IL-1040 subtractions for U.S. government obligations;                            |
| f) | Decedent returns, including joint returns filed by surviving spouses;  |
| g) | Fiscal year returns;   |
| h) | Prior year returns;  |
| i) | Amended or corrected returns;  |
| j) | Returns with dollars and cents entries (only whole dollar amounts will be accepted); and   |
| k) | Returns containing more than:  |
| 1) | 1 Schedule NR  |
| 2) | 20 W-2s  |
| 3) | 30 W-2Gs   |
| 4) | 10 1099-Rs   |
| 5) | 30 statements  |

## Section 105.120 Where to Send Electronic Returns

- a) Electronic IL-1040 returns will be transmitted to the communications processor at the Illinois Department of Revenue

## Section 105.210 Types of Electronic Filers

- a) An electronic filer is a collective term referencing all participants in the program. An electronic filer can be included in one or more of the categories defined in Section 105.200. The categories are specific to the function(s) performed.

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in Springfield, Illinois. The telephone number will be provided to accepted transmitters.

- b) Forms IL-8453 and attachments for accepted electronic IL-1040 returns must be mailed to:

Regular Mail

or

## Overnight Mail

Illinois Dept. of Revenue  
Office of Electronic Filing  
3-249

101 W. Jefferson St.

P.O. Box 19479  
Springfield, IL 62794-9479

## SUBPART B: ELECTRONIC FILING PARTICIPANTS

## Section 105.200 Categories of Electronic Filers

Participants in electronic filing are categorized as follows:

- a) Electronic Return Originator (ERO) - a firm, organization, or individual who deals directly with the taxpayer and who:
  - 1) Prepares a tax return or collects a prepared tax return for the purpose of having an electronic return produced; and
  - 2) Obtains the taxpayer's signature on Form IL-8453, Individual Income Tax Electronic Filing Declaration.
- b) Transmitter - a firm, organization, or individual who transmits electronic returns directly to the Department's communications processor.
- c) Software Developer - writes software for the purpose of:

## Section 105.210 Types of Electronic Filers



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Department (transmitter), or use a third-party transmission service that transmits directly to the Department.

NOTE: An electronic return originator who transmits through a third party is not categorized as a transmitter.

Section 105.230 Responsibilities of Electronic Filers

- a) All electronic filers must comply with the requirements and specifications set forth in this Part and, if applicable, IL-1346 (See Section 105.400(c)(2)).
- b) Electronic filers can only accept returns for electronic filing directly from the taxpayer, or from other electronic filers who have been accepted into the Illinois electronic filing program.
- c) Electronic filers who collect prepared tax returns for electronic filing (electronic return collectors) must treat each such collection or drop-off point (physical location) for electronic returns as a separate entity that must submit an application and be accepted as an electronic filer. Each entity will be treated as an electronic return originator and have the same responsibilities.
- d) Electronic filers who charge a fee for the electronic transmission of the return must not base the fee on a percentage of the refund amount.
- e) Electronic filers must not stockpile returns for electronic transmission prior to receiving official acceptance into the program or at any time while participating in the program.
- f) Electronic filers must submit a revised application to the Department to update the information contained on their most current application (Form IL-8633) or information update form (EFS-15) when there are changes such as:

- 1) the firm name or doing business as (DBA) name(s),
- 2) any address, telephone or contact representative,
- 3) the electronic filing functions performed, or
- 4) the organization's ownership.

g) Electronic filers must ensure electronic returns are filed in a timely manner. The receipt date of the electronic transmission will constitute the receipt date of the return if it is acknowledged as accepted by the Department. Any return acknowledged as

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b) An electronic filer can be one or more of the following business types:

- 1) Preparer - prepares the return and computes the tax based on the information that the taxpayer provides;
- 2) Software Firm - writes software that it uses or sells for the purpose of formatting electronic returns and/or transmitting them directly to the Department communications processor;
- 3) Service Bureau - takes tax returns from accepted electronic filers and formats electronic returns, but does not collect returns directly from taxpayers or transmit returns directly to the Department communications processor;
- 4) Transmitter - provides services for direct transmission to the Department's communications processor; and
- 5) Electronic Return Collector - takes prepared returns directly from taxpayers for the purpose of having electronic tax returns produced. An electronic return collector may be a for-profit or a not-for-profit organization in the private or public sector that chooses to provide electronic filing services. Examples include employers providing the service to their employees or a university providing electronic return collection services to the student body.

Section 105.220 Ways to Participate in Electronic Filing

Electronic filers can choose to perform all the functions associated with electronic filing and be electronic return originators, transmitters, and software developers or they can choose to use the services of another accepted electronic filer (third party) to participate in the electronic filing program. For example:

- a) An electronic return originator can prepare the tax return (preparer), or take prepared tax returns for the purpose of having electronic returns produced (electronic return collector).
- b) An electronic return originator can develop software to format return information to conform with the Department specifications (software developer), purchase a software product to perform this function, or use a service bureau to perform this function.
- c) An electronic return originator can write the software to transmit the formatted returns directly to the Department (software developer), purchase a software product to transmit to the

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rejected by the Department will be considered not filed. In order to be timely filed, a return must be received by April 15. Any late-filed electronic return transmitted to the Department must be received prior to midnight on April 22. The Department's communications processor will not accept return transmissions after that time. However, the communications processor will be available for the transmitter to retrieve acknowledged files through April 29. Any return filed on April 22 and not acknowledged as accepted must be filed on paper.

h) Electronic filers must immediately contact the Office of Electronic Filing if an acknowledgment has not been available after 36 hours from the transmission of the return.

i) Electronic filers cannot recall or intercept electronically filed IL-1040 returns after the returns have been acknowledged as accepted. If the electronic filer or the taxpayer wishes to change any entries after the return has been accepted, a paper amended return, Form IL-1040-X, must be filed with the Department. (Also see 86 Ill. Adm. Code 100.9100(f)(3))

j) Electronic filers who function as electronic return originators as defined in Section 105.200(a) must:

- 1) Comply with the procedures for securing Form IL-8453, Taxpayer Declaration, as outlined in Subpart E;
- 2) Furnish copies of the signed Form IL-8453 and non-electronic portion of the electronic IL-1040 returns to the taxpayers and advise them of the information in Subpart G;
- 3) Furnish every taxpayer that has a balance due return with Form ITR-85-E, Payment Voucher;
- 4) Inform every taxpayer that has a balance due return that it is the responsibility of every taxpayer to make full and timely payment of any tax that is due. Failure to make full payment of any tax that is due on or before April 15, will result in the imposition of interest and penalties;
- 5) Retain the following material until December 31, of the filing year, unless otherwise notified by the Department:
  - A) Copies of all the material furnished to the taxpayers;
  - B) Copies of the electronically transmitted material as defined in Section 105.100(b). These copies may be retained on magnetic media; and

C) The acknowledgment files received from the Department or from third-party transmitters. These files may be retained on magnetic media.

NOTE: Electronic return originators who are also paid preparers of the electronic tax return must retain materials as required by the Illinois Income Tax Act (IITA.)

k) Electronic filers who function as transmitters as defined in Section 105.200(b) must:

- 1) Transmit electronic IL-1040 returns and retrieve acknowledgment files in a timely manner. Acknowledgement files will normally be available within 24 hours of transmission. If the acknowledgement files are not retrieved within five days, the Department will contact the transmitter;
  - 2) Match the acknowledgement files to the original transmission files. Returns acknowledged as accepted will be considered filed returns. Returns acknowledged as rejected must be corrected and re-transmitted, if possible. Returns that cannot be re-transmitted must be filed on paper form IL-1040;
  - 3) Contact the Office of Electronic Filing for assistance if returns have been rejected after three attempts, or if acknowledgements are received for returns that were not in the original transmissions;
  - 4) Ensure the security and confidentiality of all transmitted data;
  - 5) Follow the instructions provided in Subpart H, Transmission Procedures; and
  - 6) Retain copies of all the acknowledgement files received from the Department. These may be retained on magnetic media. This material should be retained until December 31 of the filing year unless notified otherwise by the Department.
- l) Transmitters who provide transmission services to other electronic filers must also:

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- 1) Accept electronic IL-1040 returns for transmission to the Department communications processor only from electronic filers accepted in the Illinois program; and
- 2) Provide each of their clients with the acknowledgement files for their transmitted returns within 24 hours after receipt of the acknowledgements from the Department. Failure to comply could lead to suspension from the program (See Section 105.1010).
- m) Electronic filers who function as software developers as defined in Section 105.200(a)(3) must:
  - 1) Correct software errors that cause electronic returns to be rejected. Correct these errors quickly to ensure the timely transmission of electronic returns;
  - 2) Expeditiously distribute corrections to all electronic filers utilizing these products; and
  - 3) Ensure that if their software products will be used for transmitting by multiple electronic filers at the same time, their software has the capability of combining returns from these electronic filers into one Department transmission file, taking into account the Declaration Control Number assignments and requirements specified in Section 105.510.

## SUBPART C: APPLICATIONS

## Section 105.300 General Information

- a) Generally, previous applicants will be issued a Department information update form (EFS-15). Follow instructions included with the form and respond accordingly.
- b) New applicants must submit application Form IL-8633.
- c) Use only the official Form IL-8633 or a substitute form that duplicates the application in format, language, content, color and size.

## Section 105.310 Where to Apply

Applications and update forms should be sent to:

Illinois Dept. of Revenue  
Office of Electronic Filing  
P.O. Box 19479

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Springfield, IL 62794-9479

## Section 105.320 Who Must Apply

- a) All organizations or individuals must submit an application or respond to the Information Update Form EFS-15 to participate in the program. Applications that are incomplete or improperly signed will be returned to the applicants. The Department reserves the right to limit electronic filing applicants.
- b) All applications and update forms must be signed by a firm official or person authorized to act for the firm in legal and/or tax matters. The name, title and social security number of this person must appear on the application.
- c) Applications and update forms should be submitted as early as possible to allow Department time to process the applications prior to the beginning of the electronic filing period.

## Section 105.330 Who Does Not Need to Apply

- a) Equipment manufacturers or software firms that provide products that are not used exclusively for electronic filing (e.g., someone who provides a 3780 protocol converter, a modem manufacturer, a PC manufacturer, etc.) do not need to apply.
- b) Telecommunication networks that do not provide a product exclusively used for electronic filing do not need to apply.

## Section 105.340 EFIN and ETIN Assignments

- a) The Department will require the participants in this electronic filing program to be participants in good standing in the IRS program.
  - 1) The IRS assigns each applicant an Electronic Filer Identification Number (EFIN). This same EFIN will be used in the Illinois program and must be included on the application. An Illinois EFIN will be assigned upon special request.
  - 2) The IRS assigns an Electronic Transmitter Identification Number (ETIN) and a password to each software developer. This same ETIN will be used in the Illinois program and must be included on the application. However, a separate password will be issued by Illinois.



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- 3) The EFINs, ETINs and Illinois passwords cannot be transferred and must be kept secure.
- b) EFINs are assigned based on the IRS district office that serves the area where the applicant is located. The EFIN is used in the construction of the Declaration Control Number (DCN) and indicates the identity of the electronic return originator.
- c) ETINs are assigned based on the IRS service center where the federal transmissions will be sent. The ETIN and Illinois password allow access to the Department's communications processor and identify the transmitter. During the testing phase, a test password will be used which allows access only to the test environment. A different password will be assigned for production transmission.
- d) Participants functioning solely as software developers will only be allowed to use their ETIN and password in the test environment. This ETIN and password will not be used in the production environment.

## SUBPART D: ACCEPTANCE PROCESS

## Section 105.400 General Information

- a) Acceptance to participate in the program will be granted to qualifying applicants by the Department. Applicants will be notified of acceptance or denial after processing of the application or update form is completed (see Section 105.410).
- b) Acceptance of a software firm or transmitter also requires passing the Illinois Participant Acceptance Testing System (IPATS) (see Section 105.450).
- c) Software developers and transmitters will be mailed the following publications:
  - 1) Publication IL-1345, Illinois Department of Revenue Procedure for Electronic Filing of Individual Income Tax Returns;
  - 2) Publication IL-1346, Illinois Department of Revenue Electronic Return File Specifications and Record Layouts for Individual Income Tax Returns; and
  - 3) Publication IL-1347, Illinois Department of Revenue Electronic Filing Test Package.

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- d) Applicants who function solely as electronic return originators will receive Publication IL-1345.

## Section 105.410 Suitability Checks

- a) Suitability checks will be performed on all applicants.
- b) The Department will complete the suitability check as soon as possible. Until an applicant passes suitability, returns cannot be transmitted.
- c) If an applicant is denied, the Department will send a letter explaining the reasons for rejection. If an applicant who was rejected attempts to transmit returns, all returns will be rejected.
- d) Listed below are some reasons that an applicant may be denied acceptance into the program:
  - 1) Failure to pass the IRS suitability checks;
  - 2) Failure to file accurate and timely tax returns, both business and personal;
  - 3) Failure to pay any State of Illinois personal or business tax liability, penalty, or interest;
  - 4) Material misrepresentation on any application.

## Section 105.420 Who Must Test

- a) All software developers whose software formats tax returns, or transmits return information directly to the Department communications processor, must pass the IPATS test before their clients' returns will be accepted electronically (See Section 105.450).
- b) All electronic filers who transmit directly to the Department must successfully complete the IPATS test. Hardware and software differences may exist in their systems that could cause transmission problems. This also ensures that electronic filers purchasing accepted software are able to use it to transmit test returns prior to transmitting production returns.
- c) Applicants who function solely as electronic return originators and will not transmit directly to the Department do not need to test.

## Section 105.430 What Must Be Tested

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- a) The Department will provide the Publication IL-1347, Illinois Department of Revenue Electronic Filing Test Package, to all applicants who are required to test. The test package contains income tax situations which provide Illinois schedules, forms and IL-1040 information. All calculations and forms must be completed, formatted, and transmitted to the Department.
- b) Applicants must use this test package and must be tested on all forms and schedules. They must successfully complete two separate test transmissions of these forms before they are accepted into the program.

## Section 105.440 Where to Test

- a) Software developers and transmitters must test with the Department's Springfield office.
- b) Applicants should contact the Office of Electronic Filing when they are ready to test.

NOTE: To avoid any delay in testing, contact the Office of Electronic Filing at least 24 hours before the initial test transmission is planned.

## Section 105.450 How to Test

IPATS is a five-step process for software developers and transmitters:

- a) Step 1: Filers must contact the Office of Electronic Filing.
- b) Step 2: Filers must transmit the test returns from the IL-1347 test package using their electronic filing software,
- c) Step 3: When the transmitter has received acknowledgement files containing no rejected returns, contact the Office of Electronic Filing, and
- d) Step 4: The Department will review these successful test transmissions and provide feedback to your contact person.
- 1) The Department will notify transmitters if any additional errors are encountered.
- 2) The transmitter, when not the software developer, must advise the software developer in order to have the software products corrected. Transmitters will re-transmit affected returns to the Department after software corrections are made.

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- 3) Transmitters who have multiple clients testing through them should expedite the distribution of software updates to avoid recurrence of the same problem or error.

- e) Step 5: The Department will notify filers when they have passed the IPATS test.

## Section 105.460 When to Test

- a) The Department will begin accepting test transmissions on a specified date published each year.
- b) Testing may continue after production processing has begun.

## Section 105.470 Acceptance

- a) The Department will send applicants notification of acceptance to participate in the program after passing suitability and IPATS testing, if applicable. The transmitter's password for production processing will be enclosed.
- b) Electronic return originators must verify that their software and transmission service has been accepted before accepting or transmitting production returns. Acceptance into the program is conditioned upon the use of accepted software and transmission services.
- c) Transmitters must not accept electronic returns for transmission until they have been accepted and assigned a production password authorizing access to the Department's electronic filing system.
- d) Software developers must not distribute their software until they have been notified of acceptance.
- e) Accepted electronic filers can begin transmitting production returns to the Department on the same date each year as is set by the IRS for the transmission of federal returns. If there is a change in this date, all accepted participants will be notified.
- f) Generally, the Department's communications processor is available 24 hours a day.
- g) If the electronic filing system will be unavailable for any length of time, the Department will provide instructions to accepted participants.

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SUBPART E: FORM IL-8453 ILLINOIS INDIVIDUAL INCOME TAX  
DECLARATION FOR ELECTRONIC FILING

## Section 105.500 Purpose

a) Form IL-8453 is the signature portion of the return. It must be completed and signed by all appropriate parties before the return is transmitted electronically. Form IL-8453 serves the following purposes:

- 1) Authenticates the return;
  - 2) Serves as a transmittal for the associated non-electronic documents that will be stapled to the declaration and sent to the Department. Section 105.100(c) lists documents and forms to be attached to Form IL-8453;
  - 3) Authorizes the electronic return originator to file the return electronically on behalf of the taxpayer; and
  - 4) Authorizes the Department to inform the electronic return originator, or the transmitter, that the taxpayer's return has been accepted or rejected. When rejected, authorizes the Department to identify the reasons for rejection.
- b) Form IL-8453 does not serve as a power of attorney or as a substitute for the information required on the electronic tax return.

c) Form IL-8453 cannot be used to submit forms or schedules which are not listed in Section 105.100. Returns requiring forms that are excluded from electronic filing must be filed on a paper Form IL-1040.

## Section 105.510 Instructions

a) Sequence of events and general information

- 1) An electronic return originator prepares the return, computes the tax based on the information the taxpayer provides, and accepts the return for the purpose of electronic filing; or collects prepared tax returns for the purpose of electronic filing.
- 2) After the return has been prepared and before the return is transmitted electronically, the taxpayer must verify the information on the return and sign the Form IL-8453. Both signatures are required on a joint return. A file copy of

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the prepared return must be provided to the taxpayer at the time of the signature. The copy should be retained by the taxpayer, and not forwarded to the Department.

- 3) Practitioners are prohibited from allowing taxpayers to sign a blank tax return. A blank Form IL-8453 is the same as a blank tax return; therefore, electronic return originators are also prohibited from allowing taxpayers to sign a blank IL-8453.
- 4) After Form IL-8453 has been completed and signed by the taxpayer, the electronic return originator, and preparer (if applicable), the transmitter will send the electronic portion of the return to the Department in accordance with the file specifications in the IL-1346.
- 5) By transmitting the electronic portion of the return, the electronic filer is confirming that the IL-8453 has been accurately completed and signed.
- 6) Electronic filers must mail IL-8453s within 24 hours after receipt of acknowledgement that the corresponding returns were accepted.
- 7) Beginning on the first day of the electronic filing season, and daily thereafter throughout the filing period, the electronic return originator will mail IL-8453s to the Department. The electronic return originator must include forms for all electronic returns that have been acknowledged as accepted by the Department.
- 8) If a return is acknowledged as rejected, the IL-8453 must be held until the return is successfully re-transmitted. If the return cannot be re-transmitted, the IL-8453 should be destroyed and any withholding forms should be retained to attach to a paper Form IL-1040.
- 9) Receipt of IL-8453s will be closely monitored by the Department. If an IL-8453 is missing 10 days after receipt of the electronic IL-1040 return, the electronic return originator will be contacted. If the electronic return originator does not provide the Department with a Form IL-8453 that includes the taxpayer's original signature and withholding forms within 10 days after the electronic return originator is contacted, the taxpayer will be notified.



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**NOTE:** If excessive contacts with the ERO are required to obtain missing Forms IL-8453, the ERO may be subject to suspension from the Illinois electronic filing program.

## b) Completing and mailing Form IL-8453

- 1) The Declaration Control Number (DCN) is a 14-position serial number assigned to each electronic return. The DCN must be clearly printed or typed (one position per box) in the spaces provided at the top of each Form IL-8453. The DCN must match the DCN of the accepted electronic return.
  - 2) If the taxpayer received a mailing label from the Department, affix it to the name and address area of Form IL-8453. Mark through any errors on the label and print the correct information on the label. Otherwise, type or print the taxpayer's name, address, and social security number in spaces provided on the form. The Form IL-8453 address must be the same as the address on the electronic IL-1040 return.
  - 3) Tax Return Information must be completed. Enter only whole dollar amounts. These amounts must match the corresponding entries on the electronic IL-1040 return.
  - 4) The Declaration and Signature of Taxpayer must contain the taxpayer's original signature(s). Electronic return originators must obtain the signature(s) from their clients prior to transmitting the electronic return to the Department. The electronic return originator will be contacted for missing taxpayer signatures. If an IL-8453 providing original taxpayer signature(s) is not received within 10 days after the electronic return originator is contacted, the taxpayer will be notified.
- NOTE:** If excessive contacts with the ERO are required, the ERO may be suspended from the program.
- 5) The Declaration and Signature of Electronic Return Originator and Signature of Paid Preparer must be completed and signed by the electronic return originator and the paid preparer. When the electronic return originator and the paid preparer are the same entity, the paid preparer box must also be checked. When the electronic return originator and the paid preparer are different, a copy of the IL-1040, signed by the preparer, must be attached to the IL-8453. A collector who is not

the preparer of the return but collected the return for electronic filing (transmission) purposes must sign as the electronic return originator and date the declaration, enter the firm's name and address, enter the firm's FEIN, and provide the firm's telephone number. There is no requirement to provide a Social Security number in this case.

- 6) Forms W-2, W-2G, and 1099-R must be attached to the front of the IL-8453 (bottom left). The electronic return originator will be contacted if these forms are missing. If a replacement IL-8453 providing the withholding forms (originals or copies) is not received by the Department within 10 days after the electronic return originator is contacted, the taxpayer will be notified. IRS or Illinois forms 4852, or any other substitute wage and tax statement, cannot be attached to the IL-8453 (or submitted later) in lieu of Forms W-2, W-2G, or 1099-R. (See Section 105.110(c), Exclusions from Electronic Filing.)

**NOTE:** If excessive contacts with the ERO are required to obtain missing withholding forms, the ERO may be subject to suspension from the Illinois electronic filing program.

- 7) The IL-8453s should be secured by paper clip, rubber band, or string in quantities of 100 or less. They should be in ascending order by DCN. Each IL-8453 should consist of the non-electronic portion of the tax return as detailed in Section 105.100(c), Composition of an Electronic Return.

- 8) Mail in either envelopes or cartons to one of the addresses listed below:

Regular Mail or Overnight Mail

Illinois Dept. of Revenue  
Office of Electronic Filing  
P.O. Box 19479  
Springfield, IL 62794-9479

Illinois Dept. of Revenue  
Office of Electronic Filing  
101 W. Jefferson St.  
Springfield, IL 62794

## Section 105.520 Corrections

- a) If the ERO makes changes to the electronic return after Form IL-8453 has been completed and signed by the taxpayer but before it is transmitted, the ERO must have the taxpayer sign a corrected Form IL-8453 if either of the following applies:

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- 1) The net income differs from the amount on the electronic tax return by more than \$25; or
- 2) The tax, the withholding amount, the overpayment amount, or total amount due differs from the amount on the electronic tax return by more than \$7.
- b) Non-substantive changes are limited to corrections within the above tolerances for arithmetic errors, transposition errors, misplaced entries, and spelling errors. The incorrect information should be neatly lined through on the Form IL-8453 and the correct data entered next to the lined through entry. Also, enter the initials or name of the person making the correction.
- c) Dropping cents and rounding to whole dollars do not constitute substantive change or alteration to the return unless the amount differs by more than the above tolerances.

## SUBPART F: BALANCE DUE RETURNS

## Section 105.600 General Information

- a) The taxpayer is responsible for submitting payment of any balance due the Department. Electronic return originators must provide the taxpayer with Payment Voucher Form ITR-85-E, at the time the taxpayer signs the IL-8453 for the balance due return.
- b) Electronic return originators must inform taxpayers with balance due returns that payment of taxes due must be made to the Department no later than April 15, of the tax year. Failure to make full payment by this date will result in the imposition of interest and penalties.

## SUBPART G: INFORMATION ELECTRONIC FILERS MUST PROVIDE TO THE TAXPAYER

## Section 105.700 Information and Material to be Provided to the Taxpayer

- a) The electronic return originator must furnish the taxpayer with a copy of the electronic material described in Section 105.100(b). This information can be on copies of official Department forms or on forms designed by the electronic filer. If the latter, data entries must refer to the line numbers on official Department forms. This material should be provided to the taxpayer at the time the taxpayer signs the Form IL-8453.
- b) The electronic return originator must also provide the taxpayer with a copy of the entire non-electronic portion of the return.

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- c) In addition, the electronic return originator should advise the taxpayer to retain copies of the following materials:
  - 1) Their copy of Forms W-2, W-2G, or 1099-R;
  - 2) Any other documents that are not required by the Department, but are voluntarily being included with the return by the taxpayer as supporting material.
  - 3) A copy of the signed Form IL-8453.
- d) Electronic return originators should advise taxpayers that their electronic returns will be processed by the Department and the taxpayer's copy should not be forwarded to the Department. However, amended returns, if needed, must be filed as paper returns and mailed to the Department.
- e) If a return is rejected and cannot be successfully re-transmitted, the electronic return originator must immediately advise the taxpayer that the return was not electronically filed and the taxpayer must file a paper IL-1040 return.
- f) The electronic return originator should advise the taxpayer to wait six to eight weeks from the acknowledgement date before making an official inquiry about his refund. After this time has elapsed, the taxpayer can contact the Department's Taxpayer Assistance Office.
- g) Taxpayers generally contact the Department if they have not received their refund within eight weeks. The taxpayer may be asked for the DCN of the return and the date the Department acknowledged the return as accepted. The electronic return originator must, upon request, provide the taxpayer with this information.

## SUBPART H: TRANSMISSION PROCEDURES

## Section 105.800 Overview of Transmission Procedures

While several states require the transmission of the state tax return only after the federal return has been accepted, the Department does not have this requirement.

## Section 105.810 Acknowledgement of Electronic Returns

- a) Each file of electronic returns transmitted to the Department will normally be acknowledged within 24 hours of receipt.



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- c) The Department will monitor advertising and practices of electronic filers for consistency with the Department's requirements as stated in this Section.

Section 105.910 Media Communications

Communications, including fee information, are limited to professional lists, telephone directories, print media, permissible mailings, radio, and television. In the case of radio and television broadcasting, the broadcast must be pre-recorded and each recording retained by the participant until the end of the processing year.

Section 105.920 Endorsement

The Department does not endorse participants. Acceptance to participate in the program does not imply endorsement of the software or quality of services provided. Therefore, any public communication in which a participant's electronic filing capabilities are referenced, whether through publication or broadcast, must clearly indicate that the Department's acceptance of the participant for electronic filing does not constitute an endorsement or approval of the quality of tax preparation services provided.

SUBPART J: MONITORING AND SUSPENSION

Section 105.1000 Monitoring

- a) The Department will monitor advertising and other practices of electronic filers. If the situation warrants, the Department will issue a warning letter describing specific corrective action for deviations from advertising standards, as described in Subpart I, or other practices. If the deviation is not corrected, a letter of suspension will be issued. In extreme cases, a filer can be suspended immediately from the program without a warning letter. The suspension will remain in effect until the Department determines that the deviations have been corrected.
- b) The Department will monitor the timely receipt, completeness and legitimacy of Forms IL-8453. If the forms are consistently received late, incomplete or inaccurate, the electronic filer will receive a warning from the Department or, in extreme cases, a letter of suspension from the program.
- c) The Department will monitor the quality of filers' transmissions and returns throughout the filing season. If the quality is unacceptable, the electronic filer will be contacted and may receive a warning from the Department or, in extreme cases, a letter of suspension from the program.

- b) If the acknowledgement file is not available within 36 hours, or if acknowledgements are received for returns that were not transmitted within the designated transmission, immediately contact the Department's Office of Electronic Filing for assistance.

- c) The transmitter should match the acknowledgement file back to the original file transmitted.

NOTE: Any transmitted electronic return that is acknowledged as rejected by the Department will not be considered a filed return.

- d) The acknowledgement file identifies which returns have been accepted or rejected. The acknowledgement files must be retrieved within five days. If they are not, the Department will contact the transmitter.

- e) When a return has been rejected after three attempts, contact the Department Office of Electronic Filing and assistance will be provided.

SUBPART I: ADVERTISING STANDARDS

Section 105.900 Advertising Restrictions

- a) Participants in the program agree to comply with the advertising and solicitation provisions of 31 CFR, Part 10 (Treasury Department Circular No. 230) (1992). This circular prohibits the use in any way, or participation in the use of any form of public communication, containing a false, fraudulent, misleading, deceptive, unduly influencing, coercive, or unfair statement or claim. The prohibition includes, but is not limited to, statements pertaining to the quality of services rendered unless subject to factual verification, claims of specialized expertise not authorized by the state or federal agencies having jurisdiction over the electronic filer, and statements or suggestions that the ingenuity and/or prior record of an electronic filer rather than the merit of the matter are principal factors likely to determine the result of the matter. In addition, advertising must not imply a special relationship with the Department.

NOTE: Use of the Department's name, "Illinois Department of Revenue" or "Department", within a firm's name can result in immediate suspension from the program.

- b) The use of improper and/or misleading advertising in relation to the program is grounds for suspension.



- d) The Department will also monitor complaints about electronic filers and issue warning or suspension letters as appropriate.

#### Section 105.1010 Suspension

The Department reserves the right to suspend the electronic filing privilege of any electronic filer who varies from the requirements, specifications, and procedures stated in this Part, or who does not consistently transmit error-free returns. When suspended, the electronic filer will be advised of the requirements for reinstatement into the program. The following conditions could lead to warning letters and/or suspension from the program. This list is not all-inclusive:

- a) Conviction of any criminal offense arising from a violation of the Illinois tax statutes or the revenue laws of the United States, or any offense involving dishonesty, or breach of trust;
- b) Failure to file timely and accurate tax returns, both business and personal;
- c) Failure to pay personal or business tax liabilities;
- d) Assessment of penalties under any of the provisions of the Illinois Income Tax Act;
- e) Suspension/disbarment from practice before the IRS;
- f) Material misrepresentation on an application;
- g) Unacceptable format quality of individual transmissions;
- h) Unacceptable error rate;
- i) Violation of advertising standards;
- j) Unethical practices in return preparation;
- k) Untimely receipt, illegible, missing or inappropriate substitutes of Forms IL-8453;
- l) Stockpiling returns prior to official acceptance into the program or at any time while participating in the program;
- m) Failure of transmitters to provide preparer clients with acknowledgement files within 24 hours of receipt from the Department;

- n) Significant complaints about an electronic filer.

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Emergency Action:  
100.3100 Amendment  
100.3400 Amendment  
100.7010 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 120, par. 1-101 et seq., as amended by P.A. 87-880.
- 5) Effective Date of Amendments: December 22, 1992
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed in Agency's Principal Office: December 22, 1992

8) Reason for Emergency: P.A. 87-880, signed by the Governor on July 29, 1992 amended the Illinois Income Tax Act to provide that beginning with taxable years ending on or after December 31, 1992, for residents of states that impose a comparable tax liability on residents of this State, in the case of persons who perform personal services under personal service contracts for sports performance, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State. The lack of immediately effective rules would constitute a threat to the public interest and welfare. This amendment to the Illinois Income Tax Act is effective for taxable years ending on or after December 31, 1992. Therefore, the law is in effect for the current tax year of many affected taxpayers. In order to implement this change in law it is necessary to adopt rules that define the manner in which the Department will determine the amount of income subject to tax. The absence of such rules would leave taxpayers confused as to the manner in which their tax liabilities are to be calculated. As a result, the State would be delayed in receiving funds that it could otherwise collect, and members of the public would be unnecessarily limited in their ability to come into compliance with the tax laws of Illinois.

9) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that for residents of states that impose a comparable tax liability on residents of this State, in the case of persons who perform personal services under personal service contracts for sports performances, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State. The rules provide that such income is compensation income

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and is allocated to Illinois under Section 100.3400 of the Department's rules on the basis of duty days. Duty days are days during any part of which the person is under a duty to perform personal services under the terms of his or her personal services contract. The rulemaking provides that duty days in Illinois shall equal one day for each duty day during any part of which the employee is physically present in Illinois. The amount of income constituting compensation paid in this State to such person shall be determined by multiplying the person's total compensation for performing such personal services by a fraction, the denominator of which contains the total number of duty days and the numerator of which is the number of duty days in Illinois during the taxable year.

10) Are there any amendments to this Part pending: Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Register Citation</u>
100.3700	Amendment	16 Ill. Reg. 7306
100.9920	New Section	16 Ill. Reg. 7306

11) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

11) Information and questions regarding this amendment shall be directed to:

Constance W. Beard  
Manager  
Illinois Department of Revenue  
Legal Services Bureau  
101 West Jefferson, 5-500  
Springfield, Illinois 62708  
Phone: (217) 785-8256

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF REVENUE

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

Section 100.2000	Personal Property Tax Replacement Income Tax (hereinafter PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - In General (IIITA Section 201) (Repealed)
100.2050	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryover Items (IIITA Section 201) (Repealed)
100.2100	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryback Items (IIITA Section 201) (Repealed)
100.2150	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Partnership Income (IIITA Section 201) (Repealed)
100.2200	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (IIITA Section 201) (Repealed)
100.2250	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - In General (IIITA Section 201) (Repealed)
100.2300	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryover Items (IIITA Section 201) (Repealed)
100.2350	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryback Items (IIITA Section 201) (Repealed)
100.2400	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Partnership Income (IIITA Section 201) (Repealed)
100.2450	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Long Term

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100.2500	Contracts Reported on the Completed Contract Method (IIITA Section 201) (Repealed)
100.2550	Scope of 86 Ill. Adm. Code 100.2000 through 100.2450 (Repealed)
100.2560	Net Income (IIITA Section 202)
100.2561	Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IIITA 207)
100.2562	Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IIITA 207)
100.2563	Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
100.2564	Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
100.2565	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2600	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership
100.2650	Special Transitional Rules (IIITA Section 202) (Repealed)
100.2675	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IIITA Section 202) - Scope
100.2700	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IIITA Section 202) - Definitions
100.2750	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IIITA Section 202) - Current Net Operating Losses: Offsets Between Members
100.2800	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IIITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2850	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IIITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year.
100.2900	Investment Tax Credits
100.2950	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside For Charity



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## SUBPART B: ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section	
100.3000	Terms Used in Article 3 (IITA Section 301)
100.3050	Business and Nonbusiness Income (IITA Section 301)
100.3100	Compensation (IITA Section 302)
EMERGENCY	
100.3150	State (IITA Section 302)
100.3200	Taxability in Other State (IITA Section 303)
100.3250	Resident (IITA Section 301)
100.3300	Commercial Domicile (IITA Section 303)
100.3350	Allocation and Apportionment of Base Income (IITA Section 304)
100.3400	Allocation of Compensation Paid to Nonresidents (IITA Section 302)
EMERGENCY	
100.3450	Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)
100.3500	Business Income of Persons Other than Residents (IITA Section 304) In General
100.3510	Business Income of Persons Other Than Residents (IITA Section 304) Apportionment
100.3520	Business Income of Persons Other Than Residents (IITA Section 304) Allocation
100.3530	Business Income of Persons Other Than Residents (IITA Section 304)
100.3550	Property Factor (IITA Section 304)
100.3600	Payroll Factor (IITA Section 304)
100.3650	Sales Factor (IITA Section 304)
100.3700	Special Rules (IITA Section 304)

## SUBPART C: RECORDS, RETURNS AND NOTICES

Section	
100.5200	Time for Filing Returns: (IITA Section 505)
100.5250	Time for Filing Returns: Corporations (IITA Section 505) (Repealed)
100.5300	Time for Filing Returns: Cooperatives (IITA Section 505) (Repealed)
100.5350	Time for Filing Returns: Partnerships (IITA Section 505) (Repealed)
100.5400	Time for Filing Returns: Estates and Trusts (IITA Section 505) (Repealed)
100.5450	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5500	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5550	Short Year Returns of Newly Acquired Subsidiaries (IITA Section 505) (Repealed)

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100.5600	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5700	Composite Returns: Eligibility
100.5702	Composite Returns: Responsibilities of Authorized Agent
100.5704	Composite Returns: Individual Liability
100.5706	Composite Returns: Required Forms and computation of Income
100.5708	Composite Returns: Estimated Payments
100.5710	Composite Return: Tax, Penalties and Interest
100.5712	Composite Returns: Credit for Resident Individuals
100.5714	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.6000	Election to File a Combined Return
100.6010	Procedure for Making the Election
100.6020	Designated Agent for the Members
100.6030	Combined Estimated Tax Payments
100.6040	Claims for Credit of Overpayments
100.6050	Liability for Combined Tax, Penalty and Interest
100.6060	Combined Amended Returns
100.6070	Computation of Combined Income and Tax
100.6080	Definitions and Miscellaneous Provisions Relating to Combined Returns

## SUBPART D: INCOME TAX WITHHOLDING

Section	
100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
EMERGENCY	
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 701)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7100	Cross References
100.7150	Withholding Exemption (IITA Section 702)
100.7200	Withholding Exemption Certificate (IITA Section 702)
100.7250	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)
100.7300	Reports for Employee (IITA Section 703)
100.7350	Returns of Income Withheld from Wages (IITA Section 704)
100.7400	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7450	Time for Filing Returns (IITA Section 704)
100.7500	Payment of Tax Deducted and Withheld (IITA Section 704)

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100.7510	Correction of Underwithholding or Overwithholding (IITA Section 704)
100.7550	Requirement of Withholding-Personal Service Contracts (IITA Section 708)
100.7560	Contracts Indeterminate as to Amount (IITA Section 708)
100.7570	Series of Identical Contracts (IITA Section 708)
100.7580	Personal Service Contract (IITA Section 708)
100.7590	Presence Necessitated (IITA Section 708)
100.7600	Certification of Residence (IITA Section 708)
100.7610	Identities Specified in the Contract (IITA Section 708)
100.7620	Net Amount (IITA Section 708)
100.7630	Coordination with IITA Section 701 (IITA Section 708)
100.7640	Requirement of Withholding-Prizes and Awards (IITA Section 709)
100.7650	Promoter (IITA Section 709)
100.7700	Non-Cash Prizes (IITA Section 709)
100.7750	Certification of Residence (IITA Section 709)
100.7800	Relative Performance (IITA Section 709)

## SUBPART E: DECLARATION AND PAYMENT OF ESTIMATED TAX

Section	Penalty for Underpayments of Estimated Tax-Exception for Payments Based on Prior Year's Liability-Rule for a Taxable Year Following the Taxable Year in which the Personal Property Tax Replacement Income Tax (PPRIT) Became Effective-Corporate Taxpayers (IITA Section 802) (Repealed)
100.8400	Penalty for Underpayment of Estimated Tax-Exception for Payments Based on the Prior Year's Facts-Change in the Personal Property Tax Replacement Income Tax (PPRIT) Rate for Corporations on January 1, 1981 (IITA Section 802) (Repealed)

## SUBPART F: STATEMENT OF PROCEDURAL RULES

Section	Introduction
100.9000	Letter Ruling Procedures
100.9005	General Income Tax Procedures (IITA Section 901)
100.9010	Taxpayer Representation and Practice Requirements
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100.9030	Notice and Demand (IITA Section 902)
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100.9060	Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
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100.9110	Credits and Refunds (IITA Section 909)
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## SUBPART G: JUDICIAL REVIEW

Section	Administrative Review Law (IITA Section 1201)
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## SUBPART H: DEFINITIONS AND RULES OF INTERPRETATION

Section	Unitary Business Group Defined (IITA Section 1501)
100.9900	

## APPENDIX A: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## TABLE A Example of Unitary Business Apportionment

## TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

**AUTHORITY:** Implementing the Illinois Income Tax Act (Ill. Rev. Stat. 1991, ch. 120, pars. 1-101 et seq., as amended by P.A. 87-880) and authorized by Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1991, ch. 120, par. 14-1401).

**SOURCE:** Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981, amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25,



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1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendments at 17 Ill. Reg. ~~473~~ effective December 22, 1992, for a maximum of 150 days.

## SUBPART B: ALLOCATION AND APPORTIONMENT OF BASE INCOME

## Section 100.3100 Compensation (ITA Section 302)

## a) General definition:

Compensation is defined in ITA Section 1502(a)(3) to mean wages, salaries, commissions and any other form of remuneration paid to the employees for personal services. The term is thus comparable to the term "wages" as used in 26 U.S.C. Section 3401(a), except that the exceptions set forth in the Code section are inapplicable for purposes of Article 3 of the Act. (See 86 Ill. ~~Adm. Code~~ Section 100.7000 for definition of compensation subject to withholding.)

## b) Employee:

Compensation is defined as remuneration for personal services performed by an "employee". If the employer-employee relationship does not exist, remuneration for services performed does not constitute "compensation." The term "employee" includes every individual performing services if the relationship between him and the person for whom he performs such services is the legal relationship of employer and employee. The term has the same meaning under the Illinois Income Tax Act as under 26 U.S.C. Section 3401(c) and 26 CFR 31.3401(c)-1.

## c) Types of compensation:

The name by which remuneration for services is designated is immaterial. Thus, salaries, fees, bonuses, commissions on sales or on insurance premiums, and pensions and retired pay are compensation within the meaning of the statute if paid for services performed by an employee for his employer.

## d) Past services:

Remuneration ~~of~~ for personal services constitutes compensation even though at the time paid the relationship of employer and

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employee no longer exists between the person in whose employ the services were performed and the individual who performed them, so long as such relationship existed when the services were rendered.

## e) Duty days

Beginning with taxable years ending on or after December 31, 1992, for residents of states that impose a comparable tax liability on residents of this State, . . . in the case of persons who perform personal services under personal service contracts for sports performances, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State. (ITA Section 304(a)(2)(B)) Such income is compensation income and is allocated to Illinois under Section 100.3400 on the basis of duty days. Duty days are days during any part of which the person is under a duty to perform personal services under the terms of his or her personal services contract.

1) For players, managers and coaches, total duty days shall include all days from the beginning of the official pre-season training period through the last game in which the player competes. If a player is involved in post-season games, duty days include all days through the last post-season game in which the player participates. Post-season games are any play-off games in which the player participates. Also included in post-season games are any all star games in which the player is chosen to participate. Duty days include off days, practice days and travel days. Duty days for any person who joins a team or leaves a team during the season shall begin or end, on the day such person becomes a member of a team or ceases to be a member of a team.

2) For trainers and other full time traveling employees, total duty days shall also be calculated in the manner set forth in subsection (e)(1).

3) Duty days in Illinois shall equal one (1) day for each duty day during any part of which the employee is physically present in Illinois.

## ef) Examples:

86 Ill. ~~Adm. Code~~ 100.3400 The standards set forth in this Section may be illustrated in part, by the following examples:



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- 1) ~~Example-1-~~ A is a salesman for B corporation. B conducts a selling contest among its salesman, first prize being a two-week vacation in Las Vegas. A is the winner of the contest and is awarded the vacation. The fair market value of the trip constitutes compensation.
- 2) ~~Example-2-~~ C is employed by D corporation during the month of January 1970 and is entitled to receive remuneration of \$100 for services performed for D during such month. C leaves the employ of D at the close of business on January 31, 1970. On February 15, 1970 (when C is no longer an employee of D), D pays C the remuneration of \$100 for services performed in January. The \$100 is compensation.
- 3) ~~Example-3-~~ The facts are the same as in Example (2) except that C is discharged by D at the end of January. In addition to the \$100 earned by C for services performed in January, D pays C \$50 severance pay. The \$50 constitutes compensation.

(Source: Emergency amendment at 17 Ill. Reg. 473 effective December 22, 1992, for a maximum of 150 days)

### Section 100.3400 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

- a) In general:
  - 1) In order for items of compensation paid to an individual who is a nonresident of Illinois at the time of payment to be allocated to Illinois, such compensation must constitute "compensation paid in this State". If the test is met, then all items of such compensation, and all items of deduction directly allocable thereto, are allocated to Illinois under IITA Section 302(a) (except items allocated under IITA Section 301(b)(2), as to which see ~~paragraph~~ subsection (c) below). Compensation paid to a nonresident, which is allocated to Illinois, enters into the computation of such individual's net income under IITA Section 202 and is generally subject to withholding under IITA Section 701 (see ~~86 Ill. Admin. Code~~ Sections 100.7100, 100.7010, and 100.7020). The tests for determining whether compensation is paid in Illinois appear in IITA Section 304(a)(2)(B) and are substantially the same as those used to define "employment" in the Illinois Unemployment Compensation Act (Ill. Rev. Stat. ~~1981~~ 1991, ch. 48, par. 300 et seq.) (and similar unemployment

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compensation acts of other states). Compensation is paid in Illinois if:

- A) The individual's service is localized in Illinois because it is performed entirely within Illinois;
- B) The individual's service is localized in Illinois although it is performed both within and without Illinois, because the service performed without Illinois is incidental to the individual's service performed within Illinois; or
- C) The individual's service is not localized in any state but some of the service is performed within Illinois and either
  - i) the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within Illinois, or
  - ii) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in Illinois.

- 2) The foregoing rules are to be applied in such manner that if they were in effect in other states an item of compensation would constitute compensation "paid in" only one state. Thus, if an item would, under these rules, constitute compensation paid in a state other than Illinois because the individual's service was localized in such other state under ~~test~~ subsection (a)(1)(B), it could not also be compensation paid in Illinois. Pursuant to 50 U.S.C. 574, compensation for military or naval service paid to a nonresident does not constitute "compensation paid in" Illinois even though it meets the tests set forth in subparagraph (1). For further discussion of these tests, see ~~86 Ill. Admin. Code~~ Section 100.7010(a), (d), (e) and (f), dealing with withholding.

- 3) Personal services under personal service contracts for sports performance

- A) For purposes of subsection (a)(1)(A), beginning with taxable years ending on or after December 31, 1992, for residents of states that impose a comparable tax liability on residents of this State, . . . , in the case of persons who

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perform personal services under personal service contracts for sports performance, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State. (IITA Section 304(a)(2)(B)). The amount of income constituting compensation paid in this State to such person shall be determined by multiplying the person's total compensation for performing such personal services by a fraction, the denominator of which contains the total number of duty days and the numerator of which is the number of duty days in Illinois during the taxable year.

B) The income of persons who engage in sports performance in Illinois, but do not perform personal services under personal services contracts of employment remains apportionable to Illinois. Such income is business income, as defined by Section 1501(a)(1) of the Act and Section 100.3050(a). Also see IITA Section 304(a) and Section 100.3500 of this Part.

## b) Compensation paid for past service:

1) Where compensation is paid to a nonresident for past service, such compensation will, for the purpose of determining whether and to what extent such compensation is "paid in" Illinois and is allocated to Illinois under IITA Section 302(a), be presumed to have been earned ratably over the employee's last 5 years of service with the employer (or any predecessor or successor of the employer or a parent or subsidiary corporation of the employer), in the absence of clear and convincing evidence that such compensation is properly attributable to a different period of employment or that it was not earned ratably over the appropriate period of employment. Compensation earned in each past year will be deemed compensation paid in Illinois if the individual's service in such year met the tests set forth in paragraph subsection (a). Compensation paid for past service includes amounts paid under deferred compensation agreements where the amount of compensation is unrelated to the amount of service being currently rendered. Amounts paid to nonresidents under deferred compensation agreements may be allocated to Illinois under IITA Section 302(a) in accordance with this paragraph notwithstanding the fact that amounts paid to nonresidents under such agreements will be deemed not to be compensation paid in Illinois for purposes of IITA

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Section 701 and will not be subject to withholding (see 86 Ill. Adm. Code Section 100.7010(g)).

2) ~~86 Ill. Adm. Code 100.3400(b)~~ The standards detailed in the previous subsection may be illustrated by the following examples:

A) ~~Example-A:~~ A is a union member employed by B corporation as a factory worker. During the years 1965-1968, A was employed in B's factory in Illinois; in 1969, A worked in B's factory in State X. In 1970, as a result of union labor contract negotiations, A received a lump-sum payment of \$500 in lieu of a retroactive wage increase. A is at all times a resident of State X. Unless A establishes, by clear and convincing evidence, facts to support a different result, \$100 is deemed to have been earned in each of the 5 years 1965-1969. Further, \$400 is deemed to have been earned by service localized in Illinois and \$100 by service localized in State X (see ~~paragraph subsection (a)~~). Therefore, \$400 is allocable to Illinois under IITA Section 302(a).

B) ~~Example-B:~~ The facts are the same as in ~~Example (A)~~ the previous example except that A is able to establish that the \$500 constituted a wage increase retroactive to July 1, 1969. In such case, no part of the \$500 is allocable to Illinois, since it was earned by service in 1969 localized in State X.

C) ~~Example-C:~~ C is a corporate executive. On January 1, 1965, C entered into an agreement with D corporation under which he was to be employed by D in an executive capacity for a period of 5 years. Under the contract C is entitled to a stated annual salary and to additional compensation of \$10,000 for each year, the additional compensation to be credited to a bookkeeping reserve account and deferred, accumulated and paid in annual installments of \$5,000 on C's retirement beginning January 1, 1970. In the event of C's death prior to exhaustion of the account, the balance is to be paid to C's personal representative. C is required to render consultative services to D when called upon after December 31, 1969. During 1970, C is paid \$5,000 while a resident of Florida. The \$5,000 is deemed to have been earned at the rate of \$1,000 in each of the years 1965-1969, since the amount paid is unrelated to C's



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current consultative services. Whether the \$1,000 earned in each such year is allocable to Illinois under IITA Section 302(a) must be determined by applying the tests set forth in paragraph subsection (a) to each such year.

## c) Exceptions to general allocation rules.

1) While "compensation" may include items of income taken into account by a nonresident employee under the provisions of 26 U.S.C. 401 through 425, such as, for example, amounts received by a beneficiary of an employees' trust (taxable to the employee under 26 U.S.C. 402, whether the trust is exempt or non-exempt from federal income tax), or income resulting from a disqualifying disposition of stock acquired pursuant to the exercise of a qualified stock option (taxable to the employee under 26 U.S.C. 421(b)), such compensation is not allocated under IITA Section 302(a). Such compensation is allocated under the rules of IITA Section 301(b)(2)(A), i.e., is not allocated to Illinois, whereas compensation which is allocated pursuant to IITA Section 302(a) is allocated to Illinois, if paid in this State (see paragraphs subsections (a) and (b)). Consequently, a nonresident claiming that compensation which would otherwise constitute compensation paid in Illinois should not be allocated to Illinois under IITA Section 301(b)(2)(A) must establish that such compensation was properly taken into account by such individual under the provisions of 26 U.S.C. 401 through 425.

## 2) Reciprocal exemptions.

In any case wherein the Director has entered into an agreement with the taxing authorities of another state which imposes a tax on or measured by income to provide that compensation paid in such state to residents of Illinois shall be exempt from such tax, compensation paid in Illinois to residents of such state will not be allocated to Illinois.

3) ~~Examples.~~ 86-III-Adm. Code 100.7010(4) The standards set forth in this Section may be illustrated by the following examples:

- A) ~~Example-A.~~ A is a factory worker for B corporation which is located in Illinois. A resides in State X. When A reaches retirement age, he begins receiving a pension from the exempt trust under B's qualified pension plan. For federal income tax purposes, A

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properly takes his payments into account under the provisions of 26 U.S.C. 402(a)(1). Accordingly, under IITA Section 301(b)(2)(A), A's payments are not allocated to Illinois.

- B) ~~Example-B.~~ The facts are the same as in the previous ~~Example (A)~~ except that B corporation does not fund its employees' pension benefits through the creation of a trust or the purchase of annuities, but pays retired employees each year out of corporate funds. For federal income tax purposes, A is required to take his payments into account under 26 U.S.C. 61(a), rather than under 26 U.S.C. 401 through 425. Accordingly, allocation of A's pension payments is governed by IITA Section 302(a) (see paragraphs subsections (a) and (b) of this Section).

(Source: Emergency amendment at 17-III. Reg. 473, effective December 22, 1992, for a maximum of 150 days)

## SUBPART D: INCOME TAX WITHHOLDING

## Section 100.7010 Compensation Paid in this State (IITA Section 701)

## a) General rules:

- 1) Withholding is required with respect to "compensation paid in this State" - but see ~~III-Reg. Section 100.7090 100.710~~ with regard to reciprocal withholding exemption agreements for employees residing in certain states. The entire amount of such compensation is subject to withholding if withholding is required under ~~86-III-Adm. Code Section 100.7000~~. The tests for determining whether compensation is paid in this State appear in IITA Section 304(a)(2)(B) and are substantially the same as those used to define "employment" in the Illinois Unemployment Compensation Act (Ill. Rev. Stat. 1984 1991, ch. 48, par. 300 et seq.) (and similar unemployment compensation acts of other states). Compensation is paid in this State if:

- A) The individual's service is localized in this State because it is performed entirely within this State;
- B) The individual's service is localized in this State although it is performed both within and without this State, because the service performed without this



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State is incidental to the individual's service performed within this State; or

- C) The individual's service is not localized in any state but some of the service is performed within this State and either; the base of operations, or if there is not base of operations, the place from which the service is directed or controlled is within this State, or the base of operations of the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.
- D) For purposes of subsection (a)(1)(A), beginning with taxable years ending on or after December 31, 1992, for residents of states that impose a comparable tax liability on residents of this State, . . . in the case of persons who perform personal services under personal service contracts for sports performances, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State. (IIA Section 304(a)(2)(B))
- 2) The foregoing rules are to be applied in such manner that, if they were in effect in other states, an item of compensation would constitute "compensation paid in" only one state. Thus, if an item would, under these rules, constitute compensation paid in a state other than Illinois because the individual's service was localized in such other state under the test of ~~subsection (a)(1)(A)~~, it could not also be compensation paid in Illinois.
- b) Place of residence of employee:
- Except in the limited circumstance referred to in ~~subsection (a)(1)(C) of paragraph (e)~~, the place of residence of any employee is irrelevant to the determination of "compensation paid in this State", and is, therefore, irrelevant to the determination of whether withholding is required with respect to such employee. However, compensation paid to residents of a state with which Illinois has entered into a reciprocal agreement (see ~~86 Ill. Adm. Code Section 100.7090~~) is exempt from withholding.
- c) Localization tests:
- 1) If compensation is paid in this State because the service is localized here under either of the tests set forth in ~~subparagraphs (a)(1)(A) and (B) of paragraph~~

~~(e)~~, no other factors need be considered. In such cases, the place of the base of operations, the place from which the service is directed or controlled, and the place of the individual's residence are all irrelevant. (But see ~~86 Ill. Adm. Code Section 100.7090~~.)

- 2) In determining whether an individual's service performed ~~with-out~~ without this State is incidental to his service performed within this State for purposes of the test set forth in ~~subparagraph (a)(1)(B) of paragraph (e)~~, the term "incidental" means any service which is necessary to or supportive of the primary service performed by the employee or which is temporary or transitory in nature or consists of isolated transactions. The incidental service referred to above may or may not be similar to the individual's normal occupation so long as it is performed within the same employer-employee relationship. That is, an individual who normally performs all of his service in this State may be sent by his employer to another state to perform service which is totally different in nature from his usual work or he may be sent to do similar work. So long as such service is temporary or consists merely of isolated transactions, it will be considered to be incidental to his service performed within this State, and his entire compensation will be subject to withholding.

- 3) In some cases, it may be difficult to determine whether or not service performed in another state is, incidental to service performed within this State. In any such case, the facts (including any contract of employment) should be carefully considered. In many instances, the contract of employment will provide a definite territorial assignment which will be prima facie evidence that the service is localized within such territory. However, the presence or absence of a contract of employment is but one fact to be considered. In every case, the ultimate determination to be made is whether the individual's service was intended to be and was in fact principally performed within this State and whether any service which was performed in another state was of a temporary or transitory nature or arose out of special circumstances at infrequent intervals. The amount of time spent or the amount of service performed without this State should not be regarded as decisive, in itself, in determining whether such service is incidental to service performed within this State. For example, an individual normally performing service within this State might be sent on a special assignment to another state for a period of months. The service in the other state would nevertheless

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be incidental to service within this State if such special assignment were an isolated transaction.

- 4) ~~This paragraph~~ This Section may be illustrated by the following examples:

A) ~~Example--A:~~ A is a resident of State X and is a salesman for the B corporation, located in State Y. A's base of operations is his home in State X and his service is controlled from State Y. All of A's customers are located in Illinois. A's compensation is subject to withholding even though he is a nonresident with a State X base of operations, who is directed from State Y, because all of his service is performed in Illinois.

B) ~~Example--B:~~ A is a resident of State X and a salesman for the B Corporation, located in State X. A's territory covers the northern part of Illinois. Sporadically, A is requested by B corporation to call on particular customers who are located in State X. The compensation for service which A performs in Illinois and State X is subject to withholding because the service performed in State X is incidental to the service performed in Illinois, since it consists of isolated transactions.

C) ~~Example--C:~~ The facts are the same as in the previous example ~~Example--B~~ except that A's regular territory covers several counties in Illinois and one or two towns in State X. A goes to the State X towns on a regular basis even though more than 95% of his time and sales are with reference to his Illinois territory. The compensation for service which A performs in Illinois and State X is not localized in Illinois within the meaning of ~~subsection (a)(2) of paragraph (a)~~ subsection (a)(2) of paragraph (b) because the service performed in State X is regular and permanent in nature and is not necessary to or supportive of sales made in Illinois. Whether withholding is required must therefore be determined under ~~paragraph (3) of paragraph (a)~~ subsection (b) (see ~~paragraphs~~ subsections (d) and (e)).

D) ~~Example--D:~~ A works for B construction company in Chicago. Occasionally the company obtains a construction job in State X which may last from one to several weeks. A is sent by the company to

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supervise the construction jobs in State X. The compensation for the service A performs in Illinois and State X is subject to withholding because the service performed in State X, being temporary in nature, is incidental to the service which he performs in Illinois.

E) ~~Example--E:~~ A is a resident of Illinois and a buyer for a department store located in State X. Regular buying trips by A to Illinois are incidental to the service performed in State X because they are necessary to and supportive of A's primary duties which are localized in State X and not in Illinois. Compensation for the services which A performs in Illinois and State X is not subject to withholding, notwithstanding that A being a resident, is taxable in Illinois on such compensation under ITA Sections 201 and 301(a).

d) Base of operations--

1) The localization tests are not applicable where an individual's employment normally or continually includes service within this State and also services without the State which are not "incidental" to the services performed within this State. In such case, if the individual's base of operations is within this State, his entire compensation will be subject to withholding, but if his base of operations is without this State, none of his compensation will be subject to withholding.

2) The term "base of operations" refers to the place or fixed center from which the individual works. An individual's base of operations may be his business office (which may be maintained in his home), or his contract of employment may specify a place at which the employee is to receive his directions and instructions. In the absence of more controlling factors, an individual's base of operations may be the place to which he has his business mail, supplies, and equipment sent or the place where he maintains his business records.

3) This Section ~~paragraph~~ may be illustrated by the following examples:

A) ~~Example--A:~~ A is a salesman for the B corporation located in Chicago. His territory includes Illinois, State X and State Y. A uses the corporation office in



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Chicago as a base of operations. The compensation for service performed by A is subject to withholding because the service is not localized in any of the three States in which it is performed, but part of the service is performed in Illinois and A's base of operations is in Illinois.

- B) ~~Example-B:~~ A is a salesman for the B corporation located in Chicago. A lives in State X and his territory includes State X and part of Cook County, Illinois. A starts his sales calls from and returns to his home daily. He keeps a catalogue and copies of correspondence from customers at his home, and writes his sales reports there. About once a week he reports to B's sales office in Chicago for consultation with and directions from the sales manager. Communications from customers to A are addressed to the Chicago sales office. A's letters to customers are on letterheads bearing the Chicago sales office address and are sometimes typed by A at home and sometimes dictated by him to a stenographer when he is in the Chicago sales office. Correspondence to A and his paychecks are some times picked up by A in Chicago and otherwise are forwarded by the sales office to his home. The duties which A performs at home are sufficient to make his home his base of operations. A's compensation is therefore not subject to withholding because his base of operations is in State X, and part of his service is performed in that state.

- C) ~~Example-C:~~ A, a resident of Illinois, sells products in Illinois, State X and State Y for B corporation, which is located in State Z. A operates from his home, where he receives instructions from his employer, communications from his customers, etc. Once a year, A goes to State Z for a 10 day sales meeting. All of A's compensation is subject to withholding; the service is not localized in any state but part of the service is performed in Illinois and A's base of operations is his home in Illinois.

- D) ~~Example-D:~~ A works for a company whose home office is in State X. He is a regional director working out of a branch office in Illinois. He works mostly in Illinois but spends considerable time in State X. A's base of operations is the branch office in Illinois. Since he performs some service in Illinois

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and his base of operations is in Illinois, it is immaterial that his source of direction and control is in State X. All of A's compensation for service is subject to withholding.

- E) ~~Example-E:~~ A, a resident of Illinois, is a salesman for the B corporation, which has its main office in State X. A works out of the main office and his territory is divided equally between State X and Illinois. A's compensation is not subject to withholding because his base of operations is in State X, and part of his service is performed in that State.
- F) ~~Example-F:~~ A, an airplane pilot for B airline, lives in State X and regularly flies between Chicago and cities in other states. A does not have an office but reports to a flight operations office in Chicago which determines flight assignments for A and other pilots reporting to that office. A receives his paycheck and other company mail at the flight operations office in Chicago. A's base of operations is Illinois. He performs some service in Illinois and it is not "incidental" to service performed elsewhere. All of A's compensation for service is subject to withholding.

## e) Place of direction or control:

- 1) The permanent place from which the employee's service is directed or controlled is relevant in determining whether wages are subject to withholding if the localization tests are not applicable and it is impossible to determine the base of operation for such individual. In such a case, if both the place from which the individual's service is directed or controlled is within this State, and some of the service is performed within this State, then his entire compensation will be subject to withholding, but if not, none of his compensation will be subject to withholding. For example, a salesman's territory may be so indefinite and so widespread that he will not retain any fixed business office or address but will receive his orders or instructions by mail or wire wherever he may happen to be. In such case, the location of the permanent place from which direction and control is exercised must be determined.
- 2) ~~This paragraph~~ The previous subsection may be illustrated by the following examples:



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A) ~~Example-A:~~ A, a resident of State X, is employed as a salesman by B, a corporation with its main office in State Y. B has a permanent branch office and sales supervisor in Cairo, Illinois. A was hired by the branch office and sells merchandise for B in Illinois and other neighboring states as directed by the branch office in telephone calls but he has no place which he uses as a base of operations. All of the compensation for service performed by A for B is subject to withholding because A's service is not localized in any of the states in which he operates and he has no base of operations, but part of his service is performed in Illinois and the place from which the service is directed is in Illinois.

B) ~~Example-B:~~ A is a salesman residing in State X, who works for a concern whose factory and selling office is in Chicago, Illinois. A's territory covers five states, including Illinois. He does not report, start from or return to the Chicago office or from his residence in State X. State X is the territory of another salesman. A does not have a base of operations but would be subject to withholding since part of his service is performed in Illinois and the place from which the service is directed is in Illinois.

C) ~~Example-C:~~ A, a contractor whose main office is in Illinois, is regularly engaged in road construction work in Illinois and State X. All operations are under direction of a general superintendent whose permanent office is in Illinois. Work in each state is directly supervised by field supervisors working from temporary field offices located in each of the two states. Each field supervisor has the power to hire and fire personnel; however, all requests for manpower must be cleared through the Illinois office. Employees report for work at the field offices. Time cards are sent weekly to the main office in Illinois where the payrolls are prepared. A is hired by a field supervisor in State X; he regularly performs service in both Illinois and State X. In such case, neither the localization nor the base-of-operations test would apply, but A's compensation would be subject to withholding. Part of A's services is performed in Illinois and his service is regarded as controlled from Illinois because the permanent office from which basic direction and control emanates is the Illinois office.

## NOTICE OF EMERGENCY AMENDMENTS

f) When residence is important:

1) Residence is a factor in determining whether compensation paid to an individual is subject to withholding only when his service is not localized within some state; he performs no service in the state in which he has his base of operations (if he has a base of operations); and he performs no service in the state from which his service is directed or controlled. In such case, if the individual is a resident of this State, and some of his service is performed within this State, his entire compensation will be subject to withholding. However, compensation paid to residents of a state with which Illinois has entered into a reciprocal agreement (see ~~86-III-Adm. Code~~ Section 100.7090) is exempt from withholding.

2) ~~This paragraph~~ Subsection (f)(1) may be illustrated by the following example:

A is a salesman employed by the B company located in State X. His services are directed and controlled from the State X office and he has no base of operations. A lives in Illinois but his territory includes State Y and State Z as well as Illinois. All of A's wages are subject to withholding because no part of his service is performed in the state (State X) in which the place from which his services are directed is located, but part of his service is performed in Illinois and his residence is in Illinois.

g) Deferred compensation:

1) Under certain contractual unfunded deferred compensation agreements, payments are made by an employer to an employee for service rendered at an earlier date. In many such agreements, the employee receiving deferred compensation payments is not required to render any current service whatsoever, whereas in others he may be required to hold himself available to render advisory and consultative service, if called upon to do so, and to refrain from competition, but in either case, the amount of compensation is unrelated to any service being currently rendered. Payments made under any such deferred compensation agreement will be deemed to meet the tests set forth in ~~paragraph~~ subsection (a) for compensation paid in Illinois if paid to the individual while a resident of this State. Conversely, payments made under such an agreement will be deemed not to be compensation paid in this State and will not be subject to withholding if paid to

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

the individual while a nonresident. Amounts paid to nonresidents under deferred compensation agreements may be allocated to Illinois under IITA Section 302(a) in accordance with ~~86 Ill. Adm. Code~~ Section 100.3400(b)(1) notwithstanding the fact that such amounts will be deemed not to be compensation paid in Illinois for purposes of IITA Section 701 and will not be subject to withholding.

- 2) ~~This paragraph~~ Subsection (g)(1) may be illustrated by the following example:

A is a corporate executive. On January 1, 1965, A entered into an agreement with B corporation under which he was to be employed by B in an executive capacity for a period of 5 years. Under the contract A is entitled to a stated annual salary and to additional compensation to be credited to a bookkeeping reserve account and deferred, accumulated and paid in annual installments of \$5,000 on A's retirement beginning January 1, 1970. In the event of A's death prior to exhaustion of the account, the balance is to be paid to A's personal representative. A is not required to render any service to B after December 31, 1969. During 1970, A is paid \$5,000 while a resident of Illinois. This amount will be subject to withholding, because A's prior service will be deemed to have met one of the tests for compensation paid in Illinois.

(Source: Emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Peremptory Action:  
310. Appendix A Amended  
Table N Amended
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking:  
Section 2 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1002)
- 5) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, par. 1607
- 6) Effective Date: December 18, 1992
- 7) A Complete Description of the Subjects and Issues Involved:  
This amendment reflects the recent agreement establishing the new Collective Bargaining contract for the Professional Legal Unit that was made effective on November 23, 1992.

Included under Section 310. Table N, RC-010 (Professional Legal Unit, AFSCME), the agreement of the new Collective Bargaining unit reflects the titles of Technical Advisor I, II, III, Hearings Referee and Hearings Referee - Intermittent. The salary ranges for the Technical Advisors shall be \$2,216-2,905, \$2,462-3,264, \$2,904-3,884, respectively; and both the Hearings Referees titles shall receive \$2,904-3,884, monthly. The salary scale shall be increased by 2.5%, effective January 1, 1993, and 5%, effective July 1, 1993.

- 8) Does this rulemaking contain an automatic repeal date? Yes X No  
If "yes", please specify date:
- 9) Date Filed in Agency's Principle Office: December 18, 1992
- 10) Is this Rule in compliance with Section 5.03 of the Illinois Administrative Procedures Act: Yes
- 11) Are there any proposed amendments pending to this part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310. Appendix A, Table M	Amended	16 Ill. Reg. 13679 (August 28, 1992)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.110	Amended	16 Ill. Reg. 13679 (September 11, 1992)
310.130	Amended	16 Ill. Reg. 13679 (September 11, 1992)
310. Appendix B	Amended	16 Ill. Reg. 13679 (September 11, 1992)
310.290	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.450	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.455	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.470	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.530	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.540	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. Appendix C	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310. Appendix D	Amended	16 Ill. Reg. 14001 (September 18, 1992)
310.30	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310.40	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310.230	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310.270	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table C	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table D	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table E	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table F	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table O	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table P	Amended	16 Ill. Reg. 18139 (December 4, 1992)
310. Appendix A, Table U	Amended	16 Ill. Reg. 18139 (December 4, 1992)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

12) Statement of Statewide Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Adopted Amendments are as follows:



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF PEREMPTORY AMENDMENT

TITLE B0: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1993
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
EMERGENCY	
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
EMERGENCY	
310.455	Intermittent Merit Increase
EMERGENCY	
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
EMERGENCY	
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
EMERGENCY	
310.540	Annual Merit Increase Guidechart for Fiscal Year 1993
EMERGENCY	
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A  
Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-027 (Educators, AFSCME) (Repealed)
TABLE N	RC-087--(Physician-Rates--AFSCME)--(Repealed)
	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-02B (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 10 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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TABLE Q RC-033 (Meat Inspectors, ISEA)  
TABLE R RC-042 (Residual Maintenance Workers, AFSCME)  
TABLE S HR-012 (Fair Employment Practices Employees, SETU)  
TABLE T HR-010 (Teachers of Deaf, IFT)  
TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)  
TABLE V CU-500 (Corrections Meet and Confer Employees)  
TABLE W RC-062 (Technical Employees, AFSCME)  
TABLE X RC-063 (Professional Employees, AFSCME)  
TABLE Y RC-063 (Educators, AFSCME)  
TABLE Z RC-063 (Physicians, AFSCME)  
APPENDIX B Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1993  
APPENDIX C Physician Administrator Rates and Medical Facilities  
EMERGENCY Administrator Rates for Fiscal Year 1993  
APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 1993  
EMERGENCY  
APPENDIX E Teaching Salary Schedule (Repealed)  
APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
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Section 310. TABLE N--RC-027--Physician Rates--AFSCME--(Repealed)

Section 310. Appendix A Negotiated Rates of Pay

TABLE N RC-010 (Professional Legal Unit, AFSCME)

Effective July 1, 1992

	S T E P S						
	1	2	3	4	5	6	7
TECHNICAL ADVISOR I	2216	2322	2429	2531	2634	2741	2905
TECHNICAL ADVISOR II	2462	2587	2709	2833	2953	3077	3264
TECHNICAL ADVISOR III	2904	3055	3205	3355	3510	3657	3884
HEARINGS REFEREE	2904	3055	3205	3355	3510	3657	3884
HEARINGS REFEREE - INTERMITTENT	2904	3055	3205	3355	3510	3657	3884

Effective January 1, 1993

	S T E P S						
	1	2	3	4	5	6	7
TECHNICAL ADVISOR I	2260	2368	2478	2582	2687	2796	2963
TECHNICAL ADVISOR II	2511	2639	2763	2890	3012	3139	3329
TECHNICAL ADVISOR III	2962	3116	3269	3422	3580	3730	3962
HEARINGS REFEREE	2962	3116	3269	3422	3580	3730	3962
HEARINGS REFEREE - INTERMITTENT	2962	3116	3269	3422	3580	3730	3962

Effective July 1, 1993

	S T E P S						
	1	2	3	4	5	6	7
TECHNICAL ADVISOR I	2373	2486	2602	2711	2821	2936	3111
TECHNICAL ADVISOR II	2637	2771	2901	3035	3163	3296	3495
TECHNICAL ADVISOR III	3110	3272	3432	3593	3759	3917	4160
HEARINGS REFEREE	3110	3272	3432	3593	3759	3917	4160
HEARINGS REFEREE - INTERMITTENT	3110	3272	3432	3593	3759	3917	4160

(Source: Former section repealed at 8 Ill. Reg. 11299, effective June 25, 1984; new rule adopted by Peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
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amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; emergency amendment at 16 Ill. Reg. 6888, effective April 9, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992.

(Source: Former section repealed at 8 Ill. Reg. 11299, effective June 25, 1984; new rule adopted by Peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992)



## ENVIRONMENTAL PROTECTION AGENCY

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

## LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria as originally published in 15 Ill. Reg. 3334, March 1, 1991, have been revised as follows. This listing constitutes the water quality criteria that have been derived through October 31, 1992.

## Chemical: Benzene

CAS #71-43-2

Date criteria derived: August 15, 1990

Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; Willow Creek, Reach No. 07120004-011/off; unnamed tributary to Melvina Ditch, Reach No.

07120004-008/off; Buffalo Creek, Reach No. 07120004-011/off; unnamed tributary to Illinois River, Reach No. 07130003-003/off; and unnamed ditch to North Branch Chicago River, Reach No. 07120003-003/off.

acute criterion: 5.200 ug/l

chronic criterion: 416 ug/l

## Chemical: Chlorobenzene

CAS #108-90-7

Date criteria derived: December 11, 1991

Applicable waterbodies: Kyte River, Reach No. 07090005-010/on; unnamed tributary to Melvina Ditch, Reach No. 07120004-008/off; and unnamed tributary to Illinois River, Reach No. 07130003-003/off.

acute criterion: 993 ug/l

chronic criterion: 79 ug/l

## Chemical: Ethyl Benzene

CAS #100-41-4

Date criteria derived: August 15, 1990, revised May 17, 1991

Applicable waterbodies: Unnamed tributary to Coal Creek, Reach No. 07090005-003/off; unnamed tributary to Welsh Creek, Reach No.

07120007-008/off; Higgins Creek, Reach No. 07120004-001/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 07120004-011/off; unnamed drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Wiley Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001; Willow Creek, Reach No. 07120004-011/off; Des Plaines River, Reach No. 07120004-011/on; Fox River, Reach No. 07120006-001/on; unnamed tributary to Little Dry Fork, Reach No.

05120115-001/off; unnamed tributary to Melvina Ditch, Reach No. 07120004-008/off; Buffalo Creek, Reach No. 07120004-011/off; unnamed tributary to Illinois River, Reach No. 07130003-003/off; unnamed ditch to North Branch Chicago River, Reach No. 07120003-003/off; Piles Fork, Reach No.

07140106-005/on; Midlothian Creek, Reach No. 07120003-006/off; unnamed tributary to South Fork Kent Creek, Reach No. 07090005-016/off; Addison Creek, Reach No. 07120004-011/off; Diamond Lake Drain, Reach No. 07120004-011/off; unnamed tributary to the Little Wabash River, Reach No. 05120114-012/off;

McDonald Creek, Reach No. 07120004-011/off; Geneseo Creek, Reach No. 07090007-001/off; unnamed tributary Long Creek, Reach No. 07130010-035/off; unnamed tributary Seminary Creek, Reach No. 05120114-023/off; and unnamed tributary Bear Creek, Reach No. 05140204-013/off.

acute criterion: 216 ug/l

chronic criterion: 17.2 ug/l

Chemical: Hydrazine

CAS #302-01-2

Date criteria derived: September 13, 1990

Applicable waterbody: Rock River, Reach No. 07090005-012/on.

acute criterion: 6.2 ug/l

chronic criterion: 0.5 ug/l

Chemical: Toluene

CAS #108-88-3

Date criteria derived: August 16, 1990, revised May 17, 1991

Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary Welsh Creek, Reach No. 07120007-008/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 07120004-011/off; unnamed drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Wiley Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-006/off; Poplar Creek, Reach No. 07120006-001/off; Des Plaines River, Reach No. 07120004-011/on; Fox River, Reach No. 07120006-001/on; unnamed tributary to Little Dry Fork, Reach No. 05120115-001/off; unnamed tributary to Melvina Ditch, Reach No.

07120004-008/off; Buffalo Creek, Reach No. 07120004-011/off; unnamed tributary to Illinois River, Reach No. 07130003-003/off; unnamed ditch to North Branch Chicago River, Reach No. 07120003-003/off; Piles Fork, Reach No.

07140106-005/on; Midlothian Creek, Reach No. 07120003-006/off; unnamed tributary to South Fork Kent Creek, Reach No. 07090005-016/off; Addison Creek, Reach No. 07120004-011/off; Diamond Lake Drain, Reach No. 05120114-012/off; unnamed tributary to the Little Wabash River, Reach No. 05120114-012/off;

McDonald Creek, Reach No. 07120004-011/off; Geneseo Creek, Reach No. 07090007-001/off; unnamed tributary Long Creek, Reach No. 07130010-035/off; unnamed tributary Seminary Creek, Reach No. 05120114-023/off; and unnamed tributary Bear Creek, Reach No. 05140204-013/off.

acute criterion: 1,750 ug/l

chronic criterion: 140 ug/l

Chemical: Xylenes O-Xylene

p-Xylene

Date criteria derived: August 23, 1990

Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 07120004-011/off; unnamed drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Wiley

CAS #95-47-6

CAS #106-42-3

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; Willow Creek, Reach No. 07120004-011/off; Des Plaines River, Reach No. 07120004-011/on; Fox River, Reach No. 07120006-001/on; unnamed tributary to Little Dry Fork, Reach No. 05120115-001/off; unnamed tributary to Melvina Ditch, Reach No. 07120004-008/off; Buffalo Creek, Reach No. 07120004-011/off; unnamed tributary to Illinois River, Reach No. 07130003-003/off; unnamed ditch to North Branch Chicago River, Reach No. 07120003-003/off; Piles Fork, Reach No. 07140106-005/on; Midlothian Creek, Reach No. 07120003-006/off; unnamed tributary to South Fork Kent Creek, Reach No. 07090005-016/off; Addison Creek, Reach No. 07120004-011/off; Diamond Lake Drain, Reach No. 07120004-011/off; unnamed tributary to the Little Wabash River, Reach No. 05120114-012/off; McDonald Creek, Reach No. 07120004-011/off; Geneseo Creek, Reach No. 07090007-001/off; unnamed tributary Long Creek, Reach No. 07130010-035/off; unnamed tributary Seminary Creek, Reach No. 05120114-023/off; and unnamed tributary Bear Creek, Reach No. 05140204-013/off.

acute criterion: o-Xylene = 187 ug/l; p-Xylene = 552 ug/l;

combined Xylenes = 1,500 ug/l

chronic criterion: o-Xylene = 15 ug/l; p-Xylene = 22 ug/l;

combined Xylenes = 117 ug/l

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher  
Illinois Environmental Protection Agency  
Division of Water Pollution Control  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-3362

BC:jk/sp/3090r

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
STRATTON OFFICE BUILDING

ROOM A-1

SPRINGFIELD, ILLINOIS

10:00 A.M.

JANUARY 12, 1993

NOTICE: It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules  
700 Stratton Building  
Springfield, Illinois 62706

AGENDA

## I. Approval of December 15, 1992 Minutes

## II. Review of Proposed Agency Rulemaking

Agriculture

1. Lawncare and Wash Water Rinsate Collection (8 Ill Adm Code 256)
  - First Notice Published: 16 Ill Reg 14975 - 10/2/92
  - Expiration of Second Notice Period: 2/1/93

Commerce Commission

2. Dual Party Relay Service (83 Ill Adm Code 756)
  - First Notice Published: 16 Ill Reg 14004 - 9/18/92
  - Expiration of Second Notice Period: 1/15/93

Community College Board

3. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)
  - First Notice Published: 16 Ill Reg 12274 - 8/7/92
  - Expiration of Second Notice Period: 2/1/93

Corrections

4. Repeal of Advocacy Services (20 Ill Adm Code 440)
  - First Notice Published: 16 Ill Reg 16371 - 10/23/92
  - Expiration of Second Notice Period: 2/4/93

Housing Development Authority

5. Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 700)  
-First Notice Published: 16 Ill Reg 15684 - 10/16/92  
-Expiration of Second Notice Period: 1/27/93

Industrial Commission

6. Pre-Arbitration (50 Ill Adm Code 7020)  
-First Notice Published: 16 Ill Reg 14511 - 9/25/92  
-Expiration of Second Notice Period: 1/22/93

7. Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 225)  
-First Notice Published: 16 Ill Reg 7749 - 5/22/92  
-Expiration of Second Notice Period: 1/27/93

Insurance

8. Automobile Anti-Theft Mechanisms (50 Ill Adm Code 932)  
-First Notice Published: 16 Ill Reg 7279 - 5/8/92  
-Expiration of Second Notice Period: 1/18/93

Nuclear Safety

9. Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (32 Ill Adm Code 195)  
-First Notice Published: 16 Ill Reg 12756 - 8/14/92  
-Expiration of Second Notice Period: 1/18/93

Pollution Control Board

10. New Activities in a Setback Zone or Regulated Recharge Area (35 Ill Adm Code 616)  
-First Notice Published: 16 Ill Reg 16473 - 10/30/92  
-Expiration of Second Notice Period: 2/1/93
11. Existing Activities in a Setback Zone or Regulated Recharge Area (35 Ill Adm Code 615)  
-First Notice Published: 16 Ill Reg 16465 - 10/30/92  
-Expiration of Second Notice Period: 2/1/93

Professional Regulation

12. Private Detective, Private Alarm and Private Security Act of 1983 (68 Ill Adm Code 1240)  
-First Notice Published: 16 Ill Reg 15775 - 10/16/92  
-Expiration of Second Notice Period: 1/15/93
13. Real Estate Appraiser Certification (68 Ill Adm Code 1455)  
-First Notice Published: 16 Ill Reg 15785 - 10/16/92  
-Expiration of Second Notice Period: 1/15/93
14. Dental Practice Act (68 Ill Adm Code 1220)  
-First Notice Published: 16 Ill Reg 15762 - 10/16/92  
-Expiration of Second Notice Period: 1/18/93
15. Collection Agency Act (68 Ill Adm Code 1210)  
-First Notice Published: 16 Ill Reg 16374 - 10/23/92  
-Expiration of Second Notice Period: 1/21/93
16. The Illinois Nursing Act of 1987 (68 Ill Adm Code 1300)  
-First Notice Published: 16 Ill Reg 16484 - 10/30/92  
-Expiration of Second Notice Period: 1/27/93
17. Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)  
-First Notice Published: 16 Ill Reg 17042 - 11/6/92  
-Expiration of Second Notice Period: 2/4/93

Public Aid

18. Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm Code 147)  
-First Notice Published: 16 Ill Reg 13215 - 8/28/92  
-Expiration of Second Notice Period: 1/15/93
19. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 16 Ill Reg 13397 - 9/4/92  
-Expiration of Second Notice Period: 1/25/93
20. General Assistance (89 Ill Adm Code 114)  
-First Notice Published: 16 Ill Reg 15287 - 10/9/92  
-Expiration of Second Notice Period: 1/22/93
21. Aid to Families with Dependent Children (89 Ill Adm Code 112)  
-First Notice Published: 16 Ill Reg 15277 - 10/9/92  
-Expiration of Second Notice Period: 1/22/93
22. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 16 Ill Reg 15296 - 10/9/92  
-Expiration of Second Notice Period: 1/27/93



23. General Assistance (89 Ill Adm Code 114.420)  
-First Notice Published: 16 Ill Reg 15008 - 10/2/92  
-Expiration of Second Notice Period: 1/27/93
24. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)  
-First Notice Published: 16 Ill Reg 14999 - 10/2/92  
-Expiration of Second Notice Period: 2/1/93
25. Child Support Enforcement (89 Ill Adm Code 160)  
-First Notice Published: 16 Ill Reg 8892 - 6/12/92  
-Expiration of Second Notice Period: 2/4/93
- Public Health
26. Prevention of Lead Poisoning (77 Ill Adm Code 845)  
-First Notice Published: 16 Ill Reg 12314 - 8/7/92  
-Expiration of Second Notice Period: 1/12/93
27. Emergency Medical Services Code (77 Ill Adm Code 535)  
-First Notice Published: 16 Ill Reg 10911 - 7/10/92  
-Expiration of Second Notice Period: 2/1/93
28. Illinois Trauma Center Code (77 Ill Adm Code 540)  
-First Notice Published: 16 Ill Reg 15023 - 10/2/92  
-Expiration of Second Notice Period: 2/1/93
29. Illinois Water Well and Pump Installation Contractor's License Act (77 Ill Adm Code 915)  
-First Notice Published: 16 Ill Reg 10989 - 7/10/92  
-Expiration of Second Notice Period: 2/1/93
30. Joint Rules of the Illinois Environmental Protection Agency and the Illinois Department of Public Health and the Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 190)  
-First Notice Published: 16 Ill Reg 12769 - 8/14/92  
-Expiration of Second Notice Period: 2/1/93
31. Drinking Water Systems Code (77 Ill Adm Code 900)  
-First Notice Published: 16 Ill Reg 10870 - 7/10/92  
-Expiration of Second Notice Period: 2/1/93
32. Hearing Aid Consumer Protection Code (77 Ill Adm Code 682)  
-First Notice Published: 16 Ill Reg 13428 - 9/4/92  
-Expiration of Second Notice Period: 2/4/93
33. Hearing Aid Consumer Protection Continuing Education Requirements (77 Ill Adm Code 3000)  
-First Notice Published: 16 Ill Reg 13463 - 9/4/92  
-Expiration of Second Notice Period: 2/4/93

34. Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130)  
-First Notice Published: 16 Ill Reg 4755 - 3/27/92  
-Expiration of Second Notice Period: 2/4/93
- Public Health/Health Facilities Planning Board
35. Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130)  
-First Notice Published: 16 Ill Reg 15321 - 10/9/92  
-Expiration of Second Notice Period: 2/4/93
36. Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110)  
-First Notice Published: 16 Ill Reg 15328 - 10/9/92  
-Expiration of Second Notice Period: 2/4/93
37. Health Facilities Planning Financial and Economic Feasibility Review (77 Ill Adm Code 1120)  
-First Notice Published: 16 Ill Reg 5205 - 4/3/92  
-Expiration of Second Notice Period: 2/4/93
- Racing Board
38. Racetrack Operators and Their Duties (11 Ill Adm Code 1305)  
-First Notice Published: 16 Ill Reg 2439 - 2/14/92  
-Expiration of Second Notice Period: 1/22/93
39. Regulations for Meetings (11 Ill Adm Code 1424)  
-First Notice Published: 16 Ill Reg 12133 - 7/31/92  
-Expiration of Second Notice Period: 1/22/93

Secretary of State

40. Department of Personnel (80 Ill Adm Code 420)  
-First Notice Published: 16 Ill Reg 15342 - 10/9/92  
-Expiration of Second Notice Period: 1/18/93
41. Issuance of Licenses (92 Ill Adm Code 1030)  
-First Notice Published: 16 Ill Reg 17229 - 11/13/92  
-Expiration of Second Notice Period: 2/4/93
- State Fire Marshal
42. Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 215)  
-First Notice Published: 16 Ill Reg 1954 - 2/7/92  
-Expiration of Second Notice Period: 1/22/93

Department of Transportation

43. Minimum Safety Standards for Construction of Type I School Buses (92 Ill Adm Code 440)  
-First Notice Published: 16 Ill Reg 15835 - 10/16/92  
-Expiration of Second Notice Period: 1/25/93

44. Minimum Safety Standards for Construction of Type II School Buses (92 Ill Adm Code 442)  
-First Notice Published: 16 Ill Reg 15845 - 10/16/92  
-Expiration of Second Notice Period: 1/25/93

III. Certification of No Objection to Proposed RulemakingIV. Review of Emergency and Peremptory RulemakingsDepartment of Conservation

45. Duck, Goose & Coot Hunting (17 Ill Adm Code 590) (Emergency)  
-Notice Published: 16 Ill Reg 18851 - 12/4/92

Health Care Cost Containment Council

46. Data Collection (77 Ill Adm Code 2510) (Emergency)  
-Notice Published: 16 Ill Reg 19210 - 12/11/92

47. Penalties (77 Ill Adm Code 2540) (Emergency)  
-Notice Published: 16 Ill Reg 19223 - 12/11/92

Insurance

48. Minimum Standards for Individual and Group Medicare Supplement Insurance (50 Ill Adm Code 2008) (Emergency)  
-Notice Published: 16 Ill Reg 19226 - 12/11/92

Secretary of State

49. Procedures and Standards (92 Ill Adm Code 1001) (Emergency)  
-Notice Published: 16 Ill Reg 19926 - 12/18/92

Student Assistance Commission

50. Monetary Award Program (MAP) (23 Ill Adm Code 2735) (Emergency)  
-Notice Published: 16 Ill Reg 19237 - 12/11/92

V. Exempt RulemakingsPollution Control Board

51. Primary Drinking Water Standards (35 Ill Adm Code 611)  
-Proposed Date: 4/10/92  
-Adopted Date: 12/11/92

VI. Agency Response to Joint Committee ActionPublic Aid

52. Application Process (89 Ill Adm Code 110)  
-First Published: 11/22/91  
-Recommendation Date: 9/15/92  
-Response: No Response

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 23, 1992 through December 29, 1992, and have been scheduled for review by the Committee at its January 12, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/4/93	Department of Professional Regulation, Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)	11/6/92 16 Ill Reg 17042	1/12/93
2/4/93	Secretary of State, Issuance of Licenses (92 Ill Adm Code 1030)	11/13/92 16 Ill Reg 17229	1/12/93

EXECUTIVE ORDER  
92-7  
SEXUAL HARASSMENT IN STATE AGENCIES

Whereas, in 1980 Executive Order No. 1 entitled "Sexual Harassment" declared that all state employees have the right to work in an environment free of sexual harassment, provided a descriptive definition of sexual harassment and directed various actions by agencies to provide training, disseminate information and prevent sexual harassment from occurring; and

Whereas, in the intervening years, court decisions and changes in rules and laws, especially enactment of the Civil Rights Act of 1991, have resulted in definitions of sexual harassment becoming more precise, the potential liability of employers greatly increasing and the point of view for determining sexual harassment becoming more victim-oriented; and

Whereas, despite an increased awareness of sexual harassment in the workplace and gains made by women in managerial and professional ranks, surveys\* indicate widespread occurrences of sexual harassment in all types of environments; and;

Whereas, even if there is no litigation as a result of sexual harassment, ignoring workplace harassment leads to very significant hidden costs, including personal loss of dignity, respect for others, absenteeism, declining productivity, and loss of valuable employees; and;

Whereas, two distinct types of sexual harassment have been defined by the courts; (a) Hostile environment harassment -- situations where the unwelcome sexual conduct of co-workers or supervisors interferes with an individual's ability to work or creates an intimidating or offensive atmosphere, and (b) Quid pro quo harassment -- situations where a workplace superior or co-worker demands some degree of sexual favor (ranging from a date to actual sex) and threatens to or actually does retaliate in a way that has a tangible effect on the working conditions of the harassment victim if he or she refuses to acquiesce.

\*A 1987 survey of the U.S. Department of Labor showed that 37 percent of its women employees believed they had been sexually harassed. A 1988 survey by the U.S. Merit Systems Protection Board of 10,648 female federal employees showed that 42 percent believed they were harassed on the job. A 1989 study of 193 female doctors and medical students by the American Medical Women's Association indicated that 27 percent of the women believed that they had experienced sexual harassment. A 1989 survey by the National Law Journal of 3,000 female lawyers in the nation's top 250 law firms found that 60 percent believed that they had experienced sexual harassment at some point in their careers. A 1990 survey of the 1,300 members of the National Association of Female Executives indicated that 53 percent believed they were harassed by male supervisors.

Therefore, in order to provide insofar as possible a work environment free of sexual harassment and to assure that a clear,



consistent, firm and up-to-date policy dealing with sexual harassment is applied throughout the agencies of state government, I hereby order pursuant to the authority vested in my by Article V, Section 8 of the Illinois Constitution as follows:

1. The head of each department, agency, board or commission under the jurisdiction of the Governor shall adopt and implement the attached Model Policy on Sexual Harassment. Among other provisions the policy describes the state and federal laws which make sexual harassment illegal and the consequences of violating those laws; defines sexual harassment using examples; and sets forth options available to an employee for bringing a complaint within the agency and with outside agencies; and, finally, provides for measures to prevent retaliation against an employee for making a complaint.

2. Each such head of a department, agency, board or commission shall assure that the Policy is disseminated to each employee under its jurisdiction.

3. The Departments of Human Rights and Central Management Services shall review the Model Policy on Sexual Harassment at least annually and make recommendations for changes to the Governor as needed to reflect the continuing evolution of sexual harassment laws, rules and caselaw as well as to increase the effectiveness of the Policy.

4. The Departments of Human Rights and Central Management Services shall establish comprehensive training programs for EEO Officers, supervisors and new employees which will (a) explain the Policy and the recourse available to employees who feel they have been subject to harassment, and (b) address the need for a speedy and thorough response to any complaint, report or observation relating to sexual harassment in the workplace including sensitivity, investigative methods, confidentiality and ranges of disciplinary action.

5. The Department of Central Management Services shall make itself available on an ongoing basis to assist and advise departments, agencies, boards and commissions in internal investigations of alleged instances of sexual harassment and in matters of disciplinary actions.

This Order shall not be construed to abridge or expand the rights of any person under the constitutions or statutes of the United States or of this State.

Executive Order Number 1 (1980) is hereby repealed.

This Order shall be effective immediately.

Issued by the Governor December 18, 1992.

Filed with the Secretary of State December 18, 1992.

#### POLICY STATEMENT

As Governor, I am committed to providing a workplace that is free from all forms of discrimination, including sexual harassment. Any employee's behavior that fits the definition of sexual harassment is a form of misconduct which may result in

disciplinary action up to and including dismissal. Sexual harassment could also subject an agency and, in some cases, an individual to substantial civil penalties.

The State's policy on sexual harassment is part of its overall affirmative action efforts pursuant to federal and state laws prohibiting discrimination based on age, race, color, religion, national origin, citizenship status, unfavorable discharge from the military, marital status, disability and gender. Specifically, sexual harassment is prohibited by the Civil Rights Act of 1964 as amended in 1991, and the Illinois Human Rights Act. Sexual harassment is also prohibited by Executive Order Number 7, which I am issuing today. This order replaces Executive Order No. 1 (1980), and establishes a Model Policy to be adopted by each Department, Agency, Board and Commission under the jurisdiction of the Governor.

As is made clear in the accompanying Model Policy, it is the responsibility of each individual employee to refrain from sexual harassment in the workplace. No employee -- male or female -- should be subjected to unsolicited or unwelcome sexual overtures or conduct in the workplace. Furthermore, it is the responsibility of all supervisors to make sure that the work environment is free from sexual harassment. All forms of discrimination and conduct which can be considered harassing, coercive or disruptive, or which create a hostile or offensive environment must be eliminated. Instances of sexual harassment must be investigated in a prompt and aggressive manner.

The accompanying Model Policy defines sexual harassment, summarizes the rights and responsibilities of individual employees, describes the responsibility of supervisors in enforcing the policy, and outlines procedures for filing a complaint.

As reflected in Executive Order Number 7, I hereby direct all Department, Agencies, Boards and Commissions under my jurisdiction to ensure that this Model Policy is adopted, implemented, and circulated to all employees.

December 18, 1992 - Jim Edgar - GOVERNOR

#### MODEL POLICY

It is the responsibility of each individual employee to refrain from sexual harassment, and, it is the right of each individual employee to work in an environment free from sexual harassment.

#### DEFINITION OF SEXUAL HARASSMENT

According to the Illinois Human Rights Act, sexual harassment is defined as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- (2) submission to or rejection of such conduct by an

individual is used as the basis for employment decisions affecting such individual, or

(3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991.

One such example is a case where a qualified individual is denied employment opportunities and benefits that are, instead, awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors. Another example is where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity.

Other conduct commonly considered to be sexual harassment includes:

- Verbal: Sexual innuendos, suggestive comments, insults, humor and jokes about sex, anatomy - or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.

- Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.

- Visual: Posters, signs, pin-ups or slogans of a sexual nature.

- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment most frequently involves a man harassing a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends to some extent on individual perception and interpretation. The trend in the courts is to assess sexual harassment by a standard of what would offend a "reasonable woman" or a "reasonable man", depending on the gender of the alleged victim.

An example of the most subtle form of sexual harassment is the use of endearments. The use of terms such as "honey", "darling", and "sweetheart", is objectionable to many women who believe that these terms undermine their authority and their ability to deal with men on an equal and professional level.

Another example is the use of a compliment that could potentially be interpreted as sexual in nature. Below are three statements that might be made about the appearance of a woman in the workplace:

"That's an attractive dress you have on."

"That's an attractive dress. It really looks good on you."

"That's an attractive dress. You really fill it out well."

The first statement appears to be simply a compliment. The last is the most likely to be perceived as sexual harassment, depending on individual perceptions and values. To avoid the possibility of offending an employee, it is best to follow a course of conduct above reproach, or to err on the side of caution.

#### RESPONSIBILITY OF INDIVIDUAL EMPLOYERS

Each individual employee has the responsibility to refrain from sexual harassment in the workplace.

An individual employee who sexually harasses a fellow worker is, of course, liable for his or her individual conduct.

The harassing employee will be subject to disciplinary action up to and including discharge in accordance with departmental policy or a bargaining agreement, as appropriate.

#### RESPONSIBILITY OF SUPERVISORY PERSONNEL

Each supervisor is responsible for maintaining the workplace free of sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as with all other forms of employee misconduct.

The courts have found that organizations as well as supervisors can be held liable for damages related to sexual harassment by a manager, supervisor, employee, or third party (an individual who is not an employee but does business with an organization, such as a contractor, customer, sales representative, or repair person).

Liability is either based on an organization's responsibility to maintain a certain level of order and discipline, or on the supervisor acting as an agent of the organization. As such, supervisors must act quickly and responsibly not only to minimize their own liability but also that of the agency.

Specifically, a supervisor must address an observed incident of sexual harassment or a complaint, with seriousness, take prompt action to investigate it, report it and end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies to cases where an employee tells the supervisor about behavior considered sexual harassment but does not want to make a formal complaint.

In addition, supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.

An agency's Equal Employment Opportunity (EEO) Officer is available to consult with supervisors on the proper procedures to follow.

#### PROCEDURES FOR FILING A COMPLAINT

An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the supervisor, EEO Officer and offending employee. It is not necessary for sexual harassment to be directed at the person making a complaint.

The following steps may also be taken: document or record each incident (what was said or done, the date, the time, and the place). Documentation can be strengthened by written records such



as letters, notes, memos, and telephone messages.

No one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

The process for making a complaint about sexual harassment falls into several stages.

-Direct Communication. If there is sexually harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent behaviors are needed, they should be put in writing in a note or a memo.

-Contact with Supervisory Personnel. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor or the EEO Officer. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervision or the EEO Officer.

-Formal Written Complaint. An employee may also report incidents of sexual harassment directly to the EEO Officer. The EEO Officer will counsel the reporting employee and be available to assist with filing a formal complaint. The Department will fully investigate the complaint, and advise the complainant and the alleged harasser of the results of the investigation.

-Resolution Outside Department. It is hoped that most sexual harassment complaints and incidents can be resolved within an agency. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

An employee who is suddenly transferred to a lower paying job or passed over for promotion, after filing a complaint with IDHR or EEOC, may file a retaliation charge, also due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges of assault and battery.

#### FALSE AND FRIVOLOUS COMPLAINTS

False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

#### ADMINISTRATIVE CONTACTS

Illinois Department of Human Rights  
217/785-5100 Springfield

217/785-5119 TDD Springfield  
312/814-6200 Chicago  
312/263-1579 TDD Chicago

Illinois Human Rights Commission

217/785-4350 Springfield  
217/785-5119 TDD Springfield  
312/814-6269 Chicago  
312/263-1579 TDD Chicago

Equal Employment Opportunity Commission

312/353-2713 Chicago  
800/669-3362  
800/800-3302 TDD

#### PROCLAMATION

92-565

PHIL GEORGEFF DAY

Whereas, since his career began May 12, 1959, Phillip Georgeff has demonstrated special talents, keen knowledge, and unprecedented longevity as one of the world's premiere practitioners of horse race announcing; and

Whereas, Phil, a lifetime Illinois resident, has been an integral component of thoroughbred and standardized racing, as well as the spheres of regional, national, and international radio, television, and other media; and

Whereas, Phil has enhanced the public's awareness and knowledge of horse racing. He has tangibly contributed to the growth of the horse breeding industry, as well as other attendant agricultural commerce, travel, and tourism; and

Whereas, Phil's trademark call, "Here they come, spinning out of the turn!", is a signature of the excitement and achievement that are also evident in the standards of excellence of the racing industry and its associated governmental agencies; and

Whereas, Phil has earned the reputation of being the most prodigious horse racing announcer in the sport's history and the standard by which all announcers are measured; and

Whereas, Phil will retire from the announcing booth after the race at Hawthorne Race Course in Stickney on December 31, 1992, marking the 96,131st race of his storied career;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 26, 1992, as PHIL GEORGEFF DAY in Illinois in recognition of his illustrious career. I extend best wishes to him on his retirement.

Issued by the Governor December 18, 1992.

Filed with the Secretary of State December 24, 1992.



## 92-566

## RED CLOUD NATIVE AMERICAN WEEK

Whereas, the Red Cloud Athletic Fund was established in 1965 to provide athletic equipment for Indian children at the Pine Ridge South Dakota reservation; and

Whereas, the Red Cloud Athletic Fund took the responsibility of providing the school with the Paul "Dizzy" Trout Memorial Fieldhouse and continues to help fund the reservation's many athletic programs; and

Whereas, in recent years, the fund has reached beyond the playing fields to include supplying books, computers, and other learning materials; and

Whereas, the Red Cloud Athletic Fund also contributes to Chicagoland charities and supports other fund-raising events throughout the country; and

Whereas, the Red Cloud Athletic Fund is holding its annual fund-raising banquet February 8 in Rosemont. The event is expected to draw 1,750 guests, 250 athletes, and current and past pros from a wide range of sports;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8, 1993, as RED CLOUD NATIVE AMERICAN WEEK in Illinois.

Issued by the Governor December 21, 1992.

Filed with the Secretary of State December 24, 1992.

## ACTION CODES

A - Adopted Rule  
 AR - Adopted Repealer  
 C - Notice of Corrections  
 CC - Codification Changes  
 E - Emergency Rule  
 ER - Emergency Repealer  
 M - Modification to meet JCAR objections  
 O - JCAR Statement of Objections  
 RQ - Request for Correction  
 EC - Expedited Corrections

P - Proposed Rule  
 PF - Prohibited Filing Order by JCAR\*  
 PP - Peremptory or Court Ordered Rules  
 PR - Proposed Repealer  
 R - Refusal to meet JCAR Objection  
 RC - Statement of Recommendation  
 S - Suspension ordered by JCAR  
 W - Withdrawal to meet JCAR Objections

\*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

## AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-12251/92; A-224)

## CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 310 Pay Plan (P-191) (P-13679/92; A-238) (PP-498)

## CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)  
 89 Ill. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553/92; A-259)  
 89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707/92; A-267)  
 89 Ill. Adm. Code 378 Multiple Licensure (PR-7561/92; AR-272)  
 89 Ill. Adm. Code 302 Services Delivered by the Department (P-7565/92; A-274)

## COMMERCE COMMISSION, ILLINOIS

83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-202)  
 83 Ill. Adm. Code 275 Promotional Practices of Electric & Gas Public Utilities (P-8269/92; A-98)

## COMMERCE AND COMMUNITY AFFAIRS

47 Ill. Adm. Code 130 State Administration of the Ill. Neighborhood Corps Program (PR-1)

## CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 720 Taking of Wild Turkeys-Fall Archery Season (P-15260/92; A-281)  
 17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286)

## EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 228 Transitional Bilingual Education (P-9253/92; A-104)

## EMPLOYMENT SECURITY, DEPARTMENT OF

56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-15625/92; A-295)  
 56 Ill. Adm. Code 2732 Employment (P-211)  
 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-12006/92; A-308)

## FINANCIAL INSTITUTIONS, DEPARTMENT OF

38 Ill. Adm. Code 180 Uniform Disposition of Unclaimed Property Act (P-14006/92; A-123)

## HEALTH FACILITIES PLANNING BOARD

77 Ill. Adm. Code 1235 Health Care Worker Self-Referral (E-432)

## HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

47 Ill. Adm. Code 370 National Affordable Housing Act (HOME) Program (P-11713/92; A-319)

## HUMAN RIGHTS, DEPARTMENT OF

56 Ill. Adm. Code 2520 Procedural (P-10)

## INSURANCE, DEPARTMENT OF

50 Ill. Adm. Code 805 Financial Futures Contracts (P-42) (E-154)  
 50 Ill. Adm. Code 802 Purchasing & Selling Call & Put Options Contracts (P-44) (E-163)

## LABOR, DEPARTMENT OF

56 Ill. Adm. Code 350 Health &amp; Safety (P-3780/92; O-180)

## PUBLIC AID, DEPARTMENT OF

89 Ill. Adm. Code 112 Aid to Families With Dependent Children (P-46) (P-3335/92; A-357)  
 89 Ill. Adm. Code 148 Hospital Services (P-10868/92; A-131)  
 89 Ill. Adm. Code 140 Medical Payment (P-62)

## PUBLIC COUNSEL, OFFICE OF

4 Ill. Adm. Code 1075 Americans With Disabilities Act Grievance Procedure (P-14182/92; A-142)

## PUBLIC HEALTH, DEPARTMENT OF

68 Ill. Adm. Code 750 Plumbers Licensing Code (P-15056/92; A-417)

## REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 567 Comparable Benefits (P-10403/92; A-149)  
 89 Ill. Adm. Code 730 Ill. Visually Handicapped Institute (P-10397/92; A-425)  
 89 Ill. Adm. Code 827 Rules of Conduct (P-77)

## REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 105 Electronic Filing of Ill. Individual Income Tax Returns (P-219) (E-445)  
 86 Ill. Adm. Code 100 Income Tax (P-222) (E-473)

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The Sections Affected Index lists, by Title, each Section of a Part on which rulemaking activity has occurred in this volume (calendar year) of the Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash (e.g. 11 Ill. Adm. Code 436.05 was proposed last year and adopted this year. The action entry reads: (P-15655/91; A-4520). The codes are listed below.

TYPE OF RULEMAKING	ACTION CODES
am = amendment to existing Section	A = Adopted rule
cc = codification changes	C = Correction
n = new Section	P = Proposed Rule
r = repeal of existing Section	E = Emergency rule
re = recodified	PP = Peremptory rule
# = renumbered	M = Modification
	W = Withdrawal
	RQ = Request for Correction
	PF = Prohibited filing
	S = Suspension
	O = JCAR Objection
	R = Refusal to Modify
	F = Failure to Remedy Objections
	RC = Recommendation
	EC = Expedited Correction
	CC = Codification Changes



[illegible]

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TITLE 47 (CONT'D)			
370.801	n	(P-11713/92; A-319)	2732.225 n (P-211)
370.802	n	(P-11713/92; A-319)	2732.227 n (P-211)
370.901	n	(P-11713/92; A-319)	2765.5 am (P-12006/92; A-308)
370.902	n	(P-11713/92; A-319)	2765.50 am (P-12006/92; A-308)
370.903	n	(P-11713/92; A-319)	2765.64 n (P-12006/92; A-308)
370.904	n	(P-11713/92; A-319)	2765.66 am (P-12006/92; A-308)
370.1001	n	(P-11713/92; A-319)	2765.70 r (P-12006/92; A-308)
370.1002	n	(P-11713/92; A-319)	2765.70 n (P-12006/92; A-308)
370.1003	n	(P-11713/92; A-319)	2765.74 n (P-12006/92; A-308)
370.1004	n	(P-11713/92; A-319)	2765.75 am (P-12006/92; A-308)
370.1005	n	(P-11713/92; A-319)	2770.100 am (P-15625/92; A-295)
370.1006	n	(P-11713/92; A-319)	2770.105 am (P-15625/92; A-295)
370.1007	n	(P-11713/92; A-319)	2770.110 am (P-15625/92; A-295)
370.1101	n	(P-11713/92; A-319)	TITLE 68
			750.1010 am (P-15056/92; A-417)
TITLE 50			750.3000 am (P-15056/92; A-417)
802.10	am	(P-44) (E-163)	750.3010 am (P-15056/92; A-417)
802.20	am	(P-44) (E-163)	750.3055 am (P-15056/92; A-417)
802.30	am	(P-44) (E-163)	750.4000 am (P-15056/92; A-417)
802.40	am	(P-44) (E-163)	750.4010 am (P-15056/92; A-417)
802.50	am	(P-44) (E-163)	TITLE 77
802.60	am	(P-44) (E-163)	1235.10 n (E-432)
802.70	am	(P-44) (E-163)	1235.20 n (E-432)
802.80	am	(P-44) (E-163)	1235.30 n (E-432)
805.10	am	(P-42) (E-154)	1235.40 n (E-432)
805.20	am	(P-42) (E-154)	1235.50 n (E-432)
805.30	am	(P-42) (E-154)	1235.100 n (E-432)
-805.40	am	(P-42) (E-154)	1235.200 n (E-432)
805.50	am	(P-42) (E-154)	1235.210 n (E-432)
805.60	am	(P-42) (E-154)	1235.220 n (E-432)
805.70	am	(P-42) (E-154)	1235.230 n (E-432)
			1235.240 n (E-432)
			1235.300 n (E-432)
			1235.310 n (E-432)
TITLE 56			
350.280	am	(P-3780/92; O-180)	
2520.700	#	(P-10)	
2520.700	am	(P-10)	
2520.710	am	(P-10)	TITLE 80
2520.720	am	(P-10)	150.210 am (P-17372/92; RC-181)
2520.730	am	(P-10)	310.110 am (P-13679/92; A-238)
2520.740	#	(P-10)	310.130 am (P-13679/92; A-238)
2520.750	r	(P-10)	310.290 am (P-191)
2520.760	am	(P-10)	310.Ap.A am (PP-498)
2520.770	am	(P-10)	.Tb.N am (PP-498)
2520.780	am	(P-10)	310.Ap.B am (P-13679/92; A-238)
2520.790	am	(P-10)	310.Ap.C am (P-191)
2520.795	am	(P-10)	620.130 am (P-91)
2520.797	am	(P-10)	
2520.Ap.A	am	(P-10)	

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275.20	am	(P-8269/92; A-98)	112.72 am
315.10	am	(P-202)	112.74 am
315.20	am	(P-202)	112.78 am
315.30	am	(P-202)	112.79 am
315.40	n	(P-202)	112.82 am
315.50	n	(P-202)	112.250 am
315.60	n	(P-202)	112.252 am
			112.253 am
			112.254 am
			140.19 am
			148.80 am
			240.729 n
			302.20 am
			304.2 am
			377.2 am
			377.4 am
			378.1 r
			378.2 r
			378.3 r
			378.4 r
			402.15 am
			567.20 am
			567.30 am
			567.100 am
			730.700 r
			827.10 am
			827.30 am
			827.40 am

TITLE 86			
100.3100	am	(P-222) (E-473)	(P-3335/92; A-357)
100.3400	am	(P-222) (E-473)	(P-3335/92; A-357)
100.7010	am	(P-222) (E-473)	(P-3335/92; A-357)
105.100	n	(P-219) (E-445)	(P-3335/92; A-357)
105.110	n	(P-219) (E-445)	(P-46)
105.120	n	(P-219) (E-445)	(P-46)
105.200	n	(P-219) (E-445)	(P-46)
105.210	n	(P-219) (E-445)	(P-46)
105.220	n	(P-219) (E-445)	(P-46)
105.230	n	(P-219) (E-445)	(P-62)
105.300	n	(P-219) (E-445)	(P-10868/92; A-131)
105.310	n	(P-219) (E-445)	(P-12251/92; A-224)
105.320	n	(P-219) (E-445)	(P-7565/92; A-274)
105.330	n	(P-219) (E-445)	(P-7545/92; A-251)
105.340	n	(P-219) (E-445)	(P-7553/92; A-259)
105.400	n	(P-219) (E-445)	(P-7553/92; A-259)
105.410	n	(P-219) (E-445)	(P-7561/92; A-272)
105.420	n	(P-219) (E-445)	(P-7561/92; A-272)
105.430	n	(P-219) (E-445)	(P-7561/92; A-272)
105.440	n	(P-219) (E-445)	(P-7561/92; A-272)
105.450	n	(P-219) (E-445)	(P-11707/92; A-267)
105.460	n	(P-219) (E-445)	(P-10403/92; A-149)
105.470	n	(P-219) (E-445)	(P-10403/92; A-149)
105.500	n	(P-219) (E-445)	(P-10403/92; A-149)
105.510	n	(P-219) (E-445)	(P-10403/92; A-149)
105.520	n	(P-219) (E-445)	(P-10397/92; A-425)
105.600	n	(P-219) (E-445)	(P-77)
105.700	n	(P-219) (E-445)	(P-77)
105.800	n	(P-219) (E-445)	(P-77)
105.810	n	(P-219) (E-445)	(P-77)
105.900	n	(P-219) (E-445)	(P-77)
105.910	n	(P-219) (E-445)	(P-77)
105.920	n	(P-219) (E-445)	(P-77)
105.1000	n	(P-219) (E-445)	(P-77)
105.1010	n	(P-219) (E-445)	(P-77)

TITLE 89			
112.70	am	(P-3335/92; A-357)	
112.71	am	(P-3335/92; A-357)	